

Development Committee

Agenda

Thursday, 2 March 2023 at 6.30 p.m.
Council Chamber - Town Hall, Whitechapel

The meeting will be broadcast live on the Council's website. A link to the website is here - <https://towerhamlets.public-i.tv/core/portal/home>

Chair:

Councillor Abdul Wahid

Vice Chair:

Councillor Kamrul Hussain

Members:

Councillor Iqbal Hossain, Councillor Suluk Ahmed, Councillor Amina Ali, Councillor James King and Councillor Amy Lee

Substitute Members:

Councillor Harun Miah, Councillor Amin Rahman, Councillor Maium Talukdar, Councillor Rachel Blake, Councillor Mufeedah Bustin and Councillor Sabina Akhtar

(The quorum for the Committee is 3 voting members)

The deadline for registering to speak is **4pm Tuesday, 28 February 2023**

The deadline for submitting information for the update report is Noon

Wednesday, 1 March 2023

Contact for further enquiries:

Thomas French, Democratic Services,

thomas.french@towerhamlets.gov.uk

Tel: 020 7364 3048

Town Hall, 160 Whitechapel Road, London, E1 1BJ

<http://www.towerhamlets.gov.uk/committee>



Public Information

Viewing or Participating in Committee Meetings

The meeting will be broadcast live on the Council's website. A link to the website is detailed below. The press and public are encouraged to watch this meeting on line.

Please note: Whilst the meeting is open to the public, the public seating in the meeting room for observers may be limited due to health and safety measures. You are advised to contact the Democratic Services Officer to reserve a place.

Meeting Webcast

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<http://towerhamlets.public-i.tv/core/portal/home>

Electronic agendas reports and minutes.

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A Guide to Development Committee

The role of the Development Committee is to determine applications for planning/listed/conservation area consent which have triggered over 20 representations (in support or against) and/or that meet certain criteria with regards to size amongst other issues.

The Committee is made up of seven Members of the Council as appointed by Full Council. Political balance rules apply to the Committee. Meetings are normally held on a monthly basis and are open to the public to attend.

Objectors to planning applications and applicants may request to speak at the Committee. If you wish to speak on an application, you must contact the Committee Officer listed on the agenda front sheet by 4pm one clear day before the meeting, as shown on the committee timetable. For further information, see the Council's website.

Public Engagement

Meetings of the committee are open to the public to attend, and a timetable for meeting dates and deadlines can be found on the council's website.

London Borough of Tower Hamlets



Development Committee

Thursday, 2 March 2023

6.30 p.m.

APOLOGIES FOR ABSENCE

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS AND OTHER INTERESTS (PAGES 7 - 8)

Members are reminded to consider the categories of interest in the Code of Conduct for Members to determine whether they have an interest in any agenda item and any action they should take. For further details, please see the attached note from the Monitoring Officer.

Members are reminded to declare the nature of the interest and the agenda item it relates to. Please note that ultimately it's the Members' responsibility to declare any interests form and to update their register of interest form as required by the Code.

If in doubt as to the nature of your interest, you are advised to seek advice prior to the meeting by contacting the Monitoring Officer or Democratic Services

2. MINUTES OF THE PREVIOUS MEETING (PAGES 9 - 14)

To confirm as a correct record the minutes of the meeting of the Development Committee held on Wednesday, 7 December 2022

3. RECOMMENDATIONS AND PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE (PAGES 15 - 16)

To RESOLVE that:

- 1) in the event of changes being made to recommendations by the Committee, the task of formalising the wording of those changes is delegated to the Corporate Director Place along the broad lines indicated at the meeting; and
- 2) in the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Corporate Director Place is delegated authority to do so, provided always that the Corporate Director does not exceed the substantive nature of the



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Tower Hamlets Town Hall
160 Whitechapel Road
London E1 1BJ

Committee's decision.

- 3) To note the procedure for hearing objections at meetings of the Development Committee and meeting guidance.

4. DEFERRED ITEMS

5. PLANNING APPLICATIONS FOR DECISION

6. Tower Bridge Wharf, 84 St Katharine's Way, London, E1W 1UR

7. 22 Senrab Street, London, E1 0QE

8. OTHER PLANNING MATTERS

Next Meeting of the Development Committee

Thursday, 30 March 2023 at 5.30 p.m. to be held in Council Chamber - Town Hall,
Whitechapel



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Agenda Item 1

DECLARATIONS OF INTERESTS AT MEETINGS– NOTE FROM THE MONITORING OFFICER

This note is for guidance only. For further details please consult the Code of Conduct for Members at Part C, Section 31 of the Council's Constitution

(i) Disclosable Pecuniary Interests (DPI)

You have a DPI in any item of business on the agenda where it relates to the categories listed in **Appendix A** to this guidance. Please note that a DPI includes: (i) Your own relevant interests; (ii) Those of your spouse or civil partner; (iii) A person with whom the Member is living as husband/wife/civil partners. Other individuals, e.g. Children, siblings and flatmates do not need to be considered. Failure to disclose or register a DPI (within 28 days) is a criminal offence.

Members with a DPI, (unless granted a dispensation) must not seek to improperly influence the decision, must declare the nature of the interest and leave the meeting room (including the public gallery) during the consideration and decision on the item – unless exercising their right to address the Committee.

DPI Dispensations and Sensitive Interests. In certain circumstances, Members may make a request to the Monitoring Officer for a dispensation or for an interest to be treated as sensitive.

(ii) Non - DPI Interests that the Council has decided should be registered – (Non - DPIs)

You will have 'Non DPI Interest' in any item on the agenda, where it relates to (i) the offer of gifts or hospitality, (with an estimated value of at least £25) (ii) Council Appointments or nominations to bodies (iii) Membership of any body exercising a function of a public nature, a charitable purpose or aimed at influencing public opinion.

Members must declare the nature of the interest, but may stay in the meeting room and participate in the consideration of the matter and vote on it **unless:**

- A reasonable person would think that your interest is so significant that it would be likely to impair your judgement of the public interest. **If so, you must withdraw and take no part in the consideration or discussion of the matter.**

(iii) Declarations of Interests not included in the Register of Members' Interest.

Occasions may arise where a matter under consideration would, or would be likely to, **affect the wellbeing of you, your family, or close associate(s) more than it would anyone else living in the local area** but which is not required to be included in the Register of Members' Interests. In such matters, Members must consider the information set out in paragraph (ii) above regarding Non DPI - interests and apply the test, set out in this paragraph.

Guidance on Predetermination and Bias

Member's attention is drawn to the guidance on predetermination and bias, particularly the need to consider the merits of the case with an open mind, as set out in the Planning and Licensing Codes of Conduct, (Part C, Section 34 and 35 of the Constitution). For further advice on the possibility of bias or predetermination, you are advised to seek advice prior to the meeting.

Section 106 of the Local Government Finance Act, 1992 - Declarations which restrict Members in Council Tax arrears, for at least a two months from voting

In such circumstances the member may not vote on any reports and motions with respect to the matter.

Further Advice contact: Janet Fasan, Divisional Director Legal and Monitoring Officer Tel: 0207 364 4800.

APPENDIX A: Definition of a Disclosable Pecuniary Interest

(Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, Reg 2 and Schedule)

Subject	Prescribed description
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by the Member in carrying out duties as a member, or towards the election expenses of the Member. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to the Member's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to the Member's knowledge) has a place of business or land in the area of the relevant authority; and (b) either— (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE DEVELOPMENT COMMITTEE

HELD AT 18:30 ON WEDNESDAY, 7 DECEMBER 2022

**COUNCIL CHAMBER - TOWN HALL, MULBERRY PLACE, 5 CLOVE CRESCENT,
LONDON, E14 2BG**

Members Present:

Councillor Abdul Wahid (Chair)
Councillor Kamrul Hussain
(Vice-Chair)
Councillor Iqbal Hossain
Councillor Suluk Ahmed
Councillor James King
Councillor Amy Lee

Officers Present:

Jerry Bell	(Area Planning Manager, Planning and Building Control, Place)
Diane Philips	(Lawyer, Legal Services)
Jane Lin	(Development Management, Planning and Building Control, Place)
Fran Haines	(Planning Officer, Planning and Building Control, Place)
Oliver Cassidy-Butler	(Planning Officer, Planning and Building Control, Place)
Thomas French	(Democratic Service Officer ((Committee))

Apologies:

Councillor Amina Ali

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS AND OTHER INTERESTS

There were no declarations of disclosable pecuniary interests. However, Members mentioned that received correspondence about item 5.2

2. MINUTES OF THE PREVIOUS MEETING(S)

The Committee **RESOLVED**

That the unrestricted minutes of the meeting of the Committee held on 1 November 2022 be agreed as a correct record and signed by the Chair.

3. RECOMMENDATIONS AND PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE

The Committee **RESOLVED** that:

1. The procedure for hearing objections and meeting guidance be noted.
2. In the event of changes being made to recommendations by the Committee, the task of formalising the wording of those changes be delegated to the Corporate Director, Place along the broad lines indicated at the meeting; and
3. In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Corporate Director, Place be delegated authority to do so, provided always that the Corporate Director does not exceed the substantive nature of the Committee's decision

4. DEFERRED ITEMS

There were no deferred items to consider.

5. PLANNING APPLICATIONS FOR DECISION

5.1 28-42 Tomlins Grove, London E3 4NX

The published update report was noted.

Jerry Bell, Area Planning Manager, introduced the application for Construction of an additional storey to create five new residential apartments. Associated cycle and refuse store.

Fran Haines, Planning Officer, provided a presentation on the application. The Committee were reminded of the key features of the application, including photographs of the site and surrounds. The Officer's recommendation was to grant planning permission with conditions and planning obligations.

At the invitation of the Chair, objections were raised to the committee, highlighting concerns on the size of the development, the impact on Tomlins Grove conservation area and potential of noise disturbances.

At the invitation of the Chair, the agent on behalf of the applicant, responded to the concerns raised by the objectors, stating that this application provides much needed housing within the borough, will be in keeping with the conservation area and the development will be car free. Members asked the agent about the consultation process with residents and the agent stated that letters had been sent to local residents. This was the extent of the consultation process.

Further to questions from the Committee, officers provided more details on the following elements of the application:

- The footprint of the building means it would be unlikely to allow for more 3-bedroom houses.
- The construction period will be a year and this is considered to be short term.
- There was around 46 objections that were received.
- The development will only have a minor increase of height of 1.6 meters.
- The green space will include mitigation measures, including a biodiversity roof to cover the refuse points. Officers did not find any issues with the biodiversity measures.

The Committee debated the application and moved to the vote.

On a vote of 3 in favour, 2 against and 1 abstentions the Committee

RESOLVED:

That planning permission is GRANTED subject to the prior completion of a legal agreement to secure the following planning obligations:

Financial obligations

£215,456 small sites contribution to Affordable Housing in the borough

Non-financial obligations:

Car Free agreement

That the Corporate Director of Place is delegated the power to negotiate the legal agreement. If within three months of the resolution the legal agreement has not been completed, the Corporate Director for Place is delegated power to refuse planning permission.

That the Corporate Director of Place is delegated the power to impose conditions and informatives to address the following matters:

Planning Conditions

Compliance

1. 3 years deadline for commencement of development.
2. Development in accordance with approved plans.
3. Refuse storage
4. Cycle storage
5. Restrictions on demolition and construction activities:
 - a. All works in accordance with Tower Hamlets Code of Construction Practice;
 - b. Standard hours of construction and demolition;
 - c. Air quality standards for construction machinery;
 - d. Ground-borne vibration limits; and
 - e. Noise pollution limits.

Pre-commencement

The inclusion of the following pre-commencement conditions has been agreed in principle with the applicants, subject to detailed wording

6. Construction Management and Logistics Plan
7. Details of materials
8. Biodiversity Enhancements
9. Tree protection plan
10. Arboricultural method statement
11. Arboricultural impact statement

Informatives

1. Permission is subject to legal agreement
2. CIL liable

5.2 Import Building, 2 Clove Crescent, London, E14 2BE and Export Building, 1 Clove Crescent, London, E14 2BA.

The published update report was noted.

Jerry Bell, Area Planning Manager, introduced the application for Flexible use of Import Building (Anchorage House) and Export Building (Capstan House) for either Class E (offices) or F1 (non-residential institutions).

Oliver Cassidy-Butler, Planning Officer, provided a presentation on the application. The Committee were reminded of the key features of the application, including photographs of the site and surrounds. The Officer's recommendation was to grant planning permission with conditions and planning obligations.

Further to questions from the Committee, officers provided more details on the following elements of the application:

- The application has been brought in front of members due to the large amount of floor space the application makes use of. The application can make use of the floor space for office space, but this is flexible.

The Committee debated the application and moved to the vote.

On a vote of 6 in favour, 0 against and 0 abstentions the Committee

RESOLVED:

The proposals are considered to comply with the policies of Development Plan and thus conditional planning permission is GRANTED.

Compliance

1. 3 Years Deadline for Commencement of Development.
2. Development in Accordance with Approved Plans.
3. Noise from Plant

4. No more than 38,698sqm of flexible E1 or F1(a) Use floorspace
5. 65% cap on floorspace which can be occupied as Use Class F1(a) to each building

Pre-Occupation

6. Travel Plan and Waste Management Plan.

6. OTHER PLANNING MATTERS

There were no other planning matters to consider.

The meeting ended at 19:48

Chair, Councillor Abdul Wahid
Development Committee

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DEVELOPMENT COMMITTEE

Report of the Corporate Director of Place

Classification: Unrestricted

Guidance for Development Committee/Strategic Development Committee Meetings.

Who can speak at Committee meetings?

Members of the public and Councillors may request to speak on applications for decision (Part 6 of the agenda). All requests must be sent direct to the Committee Officer shown on the front of the agenda by the deadline – 4pm one clear working day before the meeting. Requests should be sent in writing (e-mail) or by telephone detailing the name and contact details of the speaker and whether they wish to speak in support or against. Requests cannot be accepted before agenda publication. Speaking is not normally allowed on deferred items or applications which are not for decision by the Committee.

The following may register to speak per application in accordance with the above rules:

Up to two objectors on a first come first served basis.	For up to three minutes each.
Committee/Non Committee Members.	For up to three minutes each - in support or against.
Applicant/ supporters. This includes: an agent or spokesperson. Members of the public in support	Shall be entitled to an equal time to that given to any objector/s. For example: <ul style="list-style-type: none"> • Three minutes for one objector speaking. • Six minutes for two objectors speaking. • Additional three minutes for any Committee and non Committee Councillor speaking in objection. It shall be at the discretion of the applicant to allocate these supporting time slots.

What if no objectors register to speak against an applicant for decision?

The applicant or their supporter(s) will not be expected to address the Committee should no objectors register to speak and where Officers are recommending approval. However, where Officers are recommending refusal of the application and there are no objectors or members registered, the applicant or their supporter(s) may address the Committee for 3 minutes.

The Chair may vary the speaking rules and the order of speaking in the interest of natural justice or in exceptional circumstances.

Committee Members may ask points of clarification of speakers following their speech. Apart from this, speakers will not normally participate any further. Speakers are asked to arrive at the start of the meeting in case the order of business is changed by the Chair. If speakers are not present by the time their application is heard, the Committee may consider the item in their absence.

This guidance is a précis of the full speaking rules that can be found on the Committee and Member Services webpage: www.towerhamlets.gov.uk/committee under [Council Constitution, Part C Section 35](#) Planning Code of Conduct

What can be circulated?

Should you wish to submit a representation or petition, please contact the planning officer whose name appears on the front of the report in respect of the agenda item. Any representations or petitions should be submitted no later than noon the working day before the committee meeting for summary in the update report that is tabled at the committee meeting. No written material (including photos) may be circulated at the Committee meeting itself by members of the public including public speakers.

How will the applications be considered?

The Committee will normally consider the items in agenda order subject to the Chair’s discretion. The procedure for considering applications for decision shall be as follows:
 Note: there is normally no further public speaking on deferred items or other planning matters



- (1) Officers will introduce the item with a brief description.
- (2) Officers will present the report supported by a presentation.
- (3) Any objections that have registered to speak to address the Committee
- (4) The applicant and or any supporters that have registered to speak to address the Committee
- (5) Committee and non- Committee Member(s) that have registered to speak to address the Committee
- (6) The Committee may ask points of clarification of each speaker.
- (7) The Committee will consider the item (questions and debate).
- (8) The Committee will reach a decision.

Should the Committee be minded to make a decision contrary to the Officer recommendation and the Development Plan, the item will normally be deferred to a future meeting with a further Officer report detailing the implications for consideration.

How can I find out about a decision?

You can contact Democratic Services the day after the meeting to find out the decisions. The decisions will also be available on the Council’s website shortly after the meeting.

For queries on reports please contact the Officer named on the front of the report.

<p>Deadlines. To view the schedule of deadlines for meetings (including those for agenda papers and speaking at meetings) visit the agenda management timetable, part of the Committees web pages. Visit www.towerhamlets.gov.uk/committee - search for relevant Committee, then ‘browse meetings and agendas’ then ‘agenda management timetable’.</p>	 <p>Scan this code to view the Committee webpages.</p>
<p>The Rules of Procedures for the Committee are as follows:</p> <ul style="list-style-type: none"> • Development Committee Procedural Rules – Part C of the Council’s Constitution Section 35 Appendix B. • Terms of Reference for the Development Committee - Part B of the Council’s Constitution Section 19 (7). 	 <p>Council’s Constitution</p>



DEVELOPMENT COMMITTEE

Report of the Corporate Director of Place

Classification: Unrestricted

Advice on Planning Applications for Decision

1. INTRODUCTION

- 1.1 In this part of the agenda are reports on planning applications for determination by the Committee. Although the reports are ordered by application number, the Chair may reorder the agenda on the night. If you wish to be present for a particular application you need to be at the meeting from the beginning.
- 1.2 The following information and advice applies to all those reports.

2. FURTHER INFORMATION

- 2.1 Members are informed that all letters of representation and petitions received in relation to the items on this part of the agenda can be made available for inspection at the meeting.
- 2.2 Members are informed that any further letters of representation, petitions or other matters received since the publication of this part of the agenda, concerning items on it, will be reported to the Committee in an Addendum Update Report.

2.3 ADVICE OF CORPORATE DIRECTOR, GOVERNANCE

- 3.1 This is general advice to the Committee which will be supplemented by specific advice at the meeting as appropriate. The Committee is required to determine planning applications in accordance with the Development Plan and other material planning considerations. Virtually all planning decisions involve some kind of balancing exercise and the law sets out how this balancing exercise is to be undertaken. After conducting the balancing exercise, the Committee is able to make a decision within the spectrum allowed by the law. The decision as to whether to grant or refuse planning permission is governed by section 70(2) of the Town and Country Planning Act 1990 (TCPA 1990). This section requires the Committee to have regard to:

- the provisions of the Development Plan, so far as material to the application;
- any local finance considerations, so far as material to the application; and
- to any other material considerations.

- 3.2 What does it mean that Members must have regard to the Development Plan? Section 38(6) of the Planning and Compulsory Purchase Act 2004 explains that having regard to the Development Plan means deciding in accordance with the Development Plan, unless material considerations indicate otherwise. If the Development Plan is up to date and contains material policies (policies relevant to the application) and there are no other material considerations, the application should be determined in accordance with the Development Plan.

The Local Development Plan and Other Material Considerations

- 3.3 The relevant Development Plan policies against which the Committee is required to consider each planning application are to be found in:
 - The London Plan 2016;

- The Tower Hamlets Core Strategy Development Plan Document 2025 adopted in 2010; and
 - The Managing Development Document adopted in 2013.
- 3.4 The Planning Officer's report for each application directs Members to those parts of the Development Plan which are material to each planning application, and to other material considerations. National Policy as set out in the National Planning Policy Framework 2019 (**NPPF**) and the Government's online Planning Practice Guidance (PPG) are both material considerations.
- 3.5 One such consideration is emerging planning policy such as the Council's Local Plan¹ and the Mayor of London's New London Plan². The degree of weight which may be attached to emerging policies (unless material considerations indicate otherwise) depends on the stage of preparation of the emerging Development Plan, the extent to which there are unresolved objections to the relevant policies, and the degree of consistency of the relevant policies in the draft plan to the policies in the framework. As emerging planning policy progresses through formal stages prior to adoption, it accrues weight for the purposes of determining planning applications (NPPF, paragraph 48).
- 3.6 Having reached an advanced stage in the preparation process, the Local Plan now carries more weight as a material consideration in the determination of planning applications. However, the policies will not carry full weight until the Local Plan has been formally adopted. The New London Plan is at a less advanced stage of the adoption process.
- 3.7 The purpose of a Planning Officer's report is not to decide the issue for the Committee, but to inform Members of the considerations relevant to their decision making and to give advice on and recommend what decision Members may wish to take. Part of a Planning Officer's expert function in reporting to the Committee is to make an assessment of how much information to include in the report. Applicants and objectors may also want to direct Members to other provisions of the Development Plan (or other material considerations) which they believe to be material to the application.
- 3.8 The purpose of Planning Officer's report is to summarise and analyse those representations, to report them fairly and accurately and to advise Members what weight (in their professional opinion) to give those representations.
- 3.9 Ultimately it is for Members to decide whether the application is in accordance with the Development Plan and if there are any other material considerations which need to be considered.

Local Finance Considerations

- 3.10 Section 70(2) of the TCPA 1990 provides that a local planning authority shall have regard to a local finance consideration as far as it is material in dealing with the application. Section 70(4) of the TCPA 1990 defines a local finance consideration and both New Homes Bonus payments (**NHB**) and Community Infrastructure Levy (**CIL**) fall within this definition.

¹The Tower Hamlets Local Plan 2031: Managing Growth and Sharing the Benefits' was submitted to the Secretary of state for Housing, Communities and Local Government to undergo an examination in public on 28 February 2018. As part of the examination process, the planning inspector held a series of hearing sessions from 6 September to 11 October 2018 to discuss the soundness of the Local Plan. The planning inspector has put forward a series of modifications as part of the examination process in order to make it sound and legally compliant. These modifications are out to consultation for a 6 week period from 25 March 2019.

² The draft New London Plan was published for public consultation in December 2017, The examination in public commenced on 15 January 2019 and is scheduled until mid to late May 2019.

- 3.11 Although NHB and CIL both qualify as “*local finance considerations*”, the key question is whether they are “material” to the specific planning application under consideration.
- 3.12 The prevailing view is that in some cases CIL and NHB can lawfully be taken into account as a material consideration where there is a direct connection between the intended use of the CIL or NHB and the proposed development. However to be a ‘material consideration’, it must relate to the planning merits of the development in question.
- 3.13 Accordingly, NHB or CIL money will be ‘material’ to the planning application, when reinvested in the local areas in which the developments generating the money are to be located, or when used for specific projects or infrastructure items which are likely to affect the operation or impact on the development. Specific legal advice will be given during the consideration of each application as required.

Listed Buildings and Conservation Areas

- 3.14 Under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant listed building consent for any works, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 3.15 Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects a listed buildings or its setting, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest it possesses.
- 3.16 Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development in a conservation area, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

Trees and Natural Environment

- 3.17 Under Section 197 of the TCPA 1990, in considering whether to grant planning permission for any development, the local planning authority must ensure, whenever it is appropriate, that adequate provision is made, by the imposition of conditions, for the preservation or planting of trees.
- 3.18 Under Section 40 of the Natural Environment and Rural Communities Act 2006 (Duty to conserve biodiversity), the local authority “*must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity*”.

Crime and Disorder

- 3.19 Under Section 17 of the Crime and Disorder Act (1998) (Duty to consider crime and disorder implications), the local authority has a “*dutyto exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment)...*”

Transport Strategy

- 3.20 Section 144 of the Greater London Authority Act 1999, requires local planning authorities to have regard to the London Mayor’s Transport strategy.

Equalities and Human Rights

- 3.21 Section 149 of the Equality Act 2010 (Public Sector Equality Duty) (**Equality Act**) provides that in exercising its functions (which includes the functions exercised by the Council as Local Planning Authority), that the Council as a public authority shall amongst other duties have due regard to the need to-
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Equality Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 3.22 The protected characteristics set out in Section 4 of the Equality Act are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Equality Act acknowledges that compliance with the duties set out may involve treating some persons more favourably than others, but that this does not permit conduct that would otherwise be prohibited under the Equality Act.
- 3.23 The Human Rights Act 1998, sets out the basic rights of every person together with the limitations placed on these rights in the public interest. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with Article 8 rights will be legitimate and justified. Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. Members having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.

Environmental Impact Assessment

- 3.24 The process of Environmental Impact Assessment is governed by the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (2017 Regulations). Subject to certain transitional arrangements set out in regulation 76 of the 2017 Regulations, the 2017 regulations revoke the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (2011 Regulations).
- 3.25 The aim of Environmental Impact Assessment is to protect the environment by ensuring that a local planning authority when deciding whether to grant planning permission for a project, which is likely to have significant effects on the environment, does so in the full knowledge of the likely significant effects, and takes this into account in the decision making process. The 2017 Regulations set out a procedure for identifying those projects which should be subject to an Environmental Impact Assessment, and for assessing, consulting and coming to a decision on those projects which are likely to have significant environmental effects.
- 3.26 The Environmental Statement, together with any other information which is relevant to the decision, and any comments and representations made on it, must be taken into account by the local planning authority in deciding whether or not to grant consent for the development.

Third Party Representations

- 3.27 Under section 71(2)(a) of the TCPA 1990 and article 33(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Committee is required, to

take into account any representations made within specified time limits. The Planning Officer report directs Members to those representations and provides a summary. In some cases, those who have made representations will have the opportunity to address the Committee at the meeting.

Daylight, Sunlight and Overshadowing

- 3.28 Amenity impacts resulting from loss of daylight and sunlight or an increase in overshadowing are a common material planning consideration. Guidance on assessment of daylight and sunlight is provided by the 'Site Layout Planning for Daylight and Sunlight' 2011 by BRE (the BRE Guide). The BRE Guide is purely advisory and an appropriate degree of flexibility needs to be applied when using the BRE Guide. The BRE Guide does not form part of the Development Plan and compliance is not a statutory requirement.
- 3.29 There are two methods of assessment of impact on daylighting: the vertical sky component (VSC) and no sky line (NSL). The BRE Guide specifies that both the amount of daylight (VSC) and its distribution (NSL) are important. According to the BRE Guide, reductions in daylighting would be noticeable to occupiers when, as a result of development:
- a) The VSC measured at the centre of an existing main window is less than 27%, and less than 0.8 times its former value; or
 - b) The area of the working plane in a room which can receive direct skylight is reduced to less than 0.8 times its former value.
- 3.30 The BRE Guide states that sunlight availability would be adversely affected if the centre of a window receives less than 25% of annual probable sunlight hours or less than 5% of probably sunlight hours between 21 September and 21 March and receives less than 0.8 times its former sunlight hours during either period and has a reduction in sunlight over the whole year of over 4%.
- 3.31 For overshadowing, the BRE Guide recommends that at least 50% of the area of each amenity space should receive at least two hours of sunlight on 21st March with ratio of 0.8 times the former value being noticeably adverse.
- 3.32 Specific legal advice will be given in relation to each application as required.

General comments

- 3.33 Members are reminded that other areas of legislation cover aspects of building and construction and therefore do not need to be considered as part of determining a planning application. Specific legal advice will be given should any of that legislation be raised in discussion.
- 3.34 The Committee has several choices when considering each planning application:
- To grant planning permission unconditionally;
 - To grant planning permission with conditions;
 - To refuse planning permission; or
 - To defer the decision for more information (including a site visit).

4. PUBLIC SPEAKING

- 4.1 The Council's constitution allows for public speaking on these items in accordance with the rules set out in the constitution and the Committee's procedures. These are set out at the Agenda Item: Recommendations and Procedure for Hearing Objections and Meeting Guidance.

5. RECOMMENDATION

5.1 The Committee to take any decisions recommended in the attached reports.



Application for Variation of Planning Permission

[click here for case file](#)

Reference	PA/21/02602
Site	Tower Bridge Wharf, 84 St Katharine's Way, London, E1W 1UR
Ward	St Katharine's and Wapping
Proposal	Minor Material Amendments to Planning Permission Ref PA/03/01493, Dated 03/02/2004. Variation to include amendment of wording of condition no. 3 to the following: "The gates hereby permitted shall only be locked shut between the hours of dusk, or 7pm whichever is later to 6am the following morning and at the other times shall be locked in the open position so as to allow public access to the riverside way." PA/03/01493 was approved 03/02/2004 for the installation of gates either side of Tower Bridge Wharf
Summary Recommendation	Refuse planning permission
Applicant	Tower Bridge Wharf Management Company
Agent	JLL
Case Officer	Rikki Weir
Key dates	<ul style="list-style-type: none">- Application registered as valid on 01/12/2021- Letters sent to neighbours on 22/12/2021- Proposal advertised in the local press on 30/12/2021 and site notice erected on 14/01/2022

EXECUTIVE SUMMARY

The application site, Tower Bridge Wharf, is a 6-8 storey residential development, built in the 1980s which fronts the River Thames. The site is within the Tower of London Conservation Area.

The riverfront is gated to the west and east of Tower Bridge Wharf with the gates having to be open between 8am and 11pm. The proposal involves restricting the opening of the gates to opening hours of 6am to 7pm/ dusk (whichever is latest) due to concerns over anti-social behaviour (ASB).

The riverfront is an important space for public enjoyment and amenity with excellent views available of the River Thames, Central London and Tower Bridge. The walkway is officially designated as part of the Thames Path, a National Trail and is within the Walk London Network.

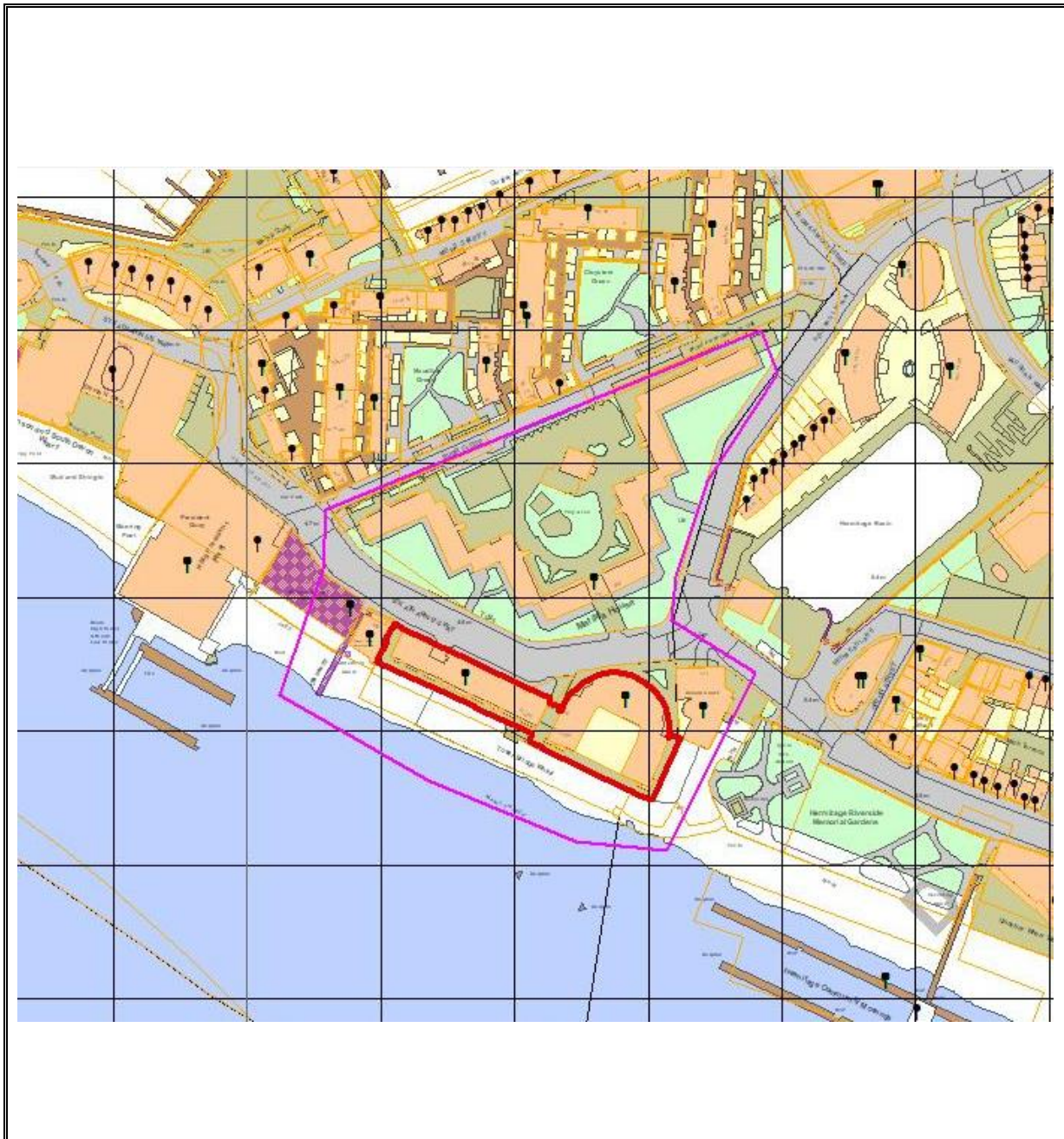
Officers consider that the proposal would unduly limit the use and enjoyment of the Thames riverfront, especially where this part is designated as Publicly Accessible Open Space. The proposal would restrict access to an attractive footpath with particularly stunning evening views, used by walkers, cyclists and for general social activities.

This application has been assessed against the Council's approved planning policies contained in the Tower Hamlets Local Plan 2031 (adopted January 2020) as well as the London Plan (2021), the National Planning Policy Framework (2021) and all other material considerations, including the City Fringe Opportunity Area Planning Framework (2015), Tower of London Conservation Area Character Appraisal and Management Guidelines (2008),








Officers recommend the proposed variation of condition of the previously approved development be refused, for the following reasons:

- 1) The proposed development would be unacceptable as it would adversely impact on active lifestyle choices, it would unduly restrict access to Publicly Accessible Open Space, water spaces, the Thames Path and National Trail, contrary to policies D.SG3, S.OWS1, S.OWS2, D.OWS4 of the Tower Hamlets Local Plan, GG3, SI 16, G4 of the London Plan.
- 2) The proposed development would be unacceptable as it would adversely impact on designated heritage assets (the Tower of London Conservation Area) through loss and restriction of the enjoyment of important riverside views. The proposal would also result in loss of permeability, legibility, connectivity and accessibility resulting in a less socially inclusive, less equal and less cohesive neighbourhood, increasing the perception of a private, gated community, contrary to policies S.DH1, D.DH2, S.DH3, D.DH4 of the Tower Hamlets Local Plan, D3, D8, HC1, HC3, HC6 of the London Plan.
- 3) The proposed development would be unacceptable as it would adversely impact on the transport network, contrary to policies S.TR1 of the Tower Hamlets Local Plan and T1, T2, T3 and T4 of the London Plan.

SITE PLAN:



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<ul style="list-style-type: none">  Planning Application Site Boundary  Other Planning Applications  Consultation Area  Land Parcel Address Point  Locally Listed Buildings  Statutory Listed Buildings 	<p>Planning Applications Site Map PA/21/02602</p> <p>This site map displays the Planning Application Site Boundary and the extent of the area within which neighbouring occupiers / owners were consulted as part of the Planning Application Process</p>	 <p>TOWER HAMLETS London Borough of Tower Hamlets</p>
	Scale: 50m grid squares	Date: 22

1. SITE AND SURROUNDINGS

- 1.1 The application site, Tower Bridge Wharf, is a 6-8 storey residential development of 64 flats built in the late 1980s, which includes a private landscaped courtyard at first floor level (see Figure 1) with gates either side, to the west and east. The Thames Path sits beyond these gates. A public riverfront promenade measuring approximately 1000sqm (80m x 12m) fronts the River Thames, located to the south.
- 1.2 The riverside walkway forms part of the Thames Path, a National Trail (designated by national government) and the Walk London Network (designated within the London Plan). The walkway is accessed through gates to the west and east of Tower Bridge Wharf and is hard landscaped with block paving. The jetty area to the south, alongside the river, which includes 10 benches for seating, is outside the red line boundary but is designated as a Publicly Accessible Open Space.



Figure 1: Aerial view of application site

- 1.3 The site is located within The Tower of London Conservation Area although it does not contain any listed buildings or structures. The Grade II listed Alderman stairs and gate piers leading down to the river are approximately 10m to the west and the Grade II listed British and Foreign Wharves G Warehouse is approximately 15m to the west.
- 1.4 Wide, iconic views across the River Thames are available from the application site with this being a particularly attractive spot to view the Grade I Tower Bridge, as well as long views of the Grade I St Paul's Cathedral, the river openness and historic wharves.
- 1.5 In regard to other relevant Tower Hamlets Local Plan policy designations, the site is located within:
- City Fringe Sub Area
 - Green Grid Buffer Zone
 - Floor Zone 3B
 - Thames Policy Area
 - South East Inshore Area
 - Tier II Archaeological Priority Area (St Katharine's Docks)
 - Wapping Neighbourhood Planning Area

- 1.6 The jetty area to the south is additionally designated as follows:
- Publicly Accessible Open Space: Carron Continental Wharf (see Figure 2)



Figure 2: Publicly Accessible Open Spaces (Green) in locality

- 1.7 The site is located within the Central Activities Zone. Thomas More Neighbourhood Centre is approximately 212m to the north-east.
- 1.8 In regard to other relevant London Plan policy designations, the site is located within the City Fringe Opportunity Area and sits in the background of the London View Management Framework (LVMF) view 11B from London Bridge.
- 1.9 Tower Hill London Underground Station is 640m to the north-east. The site and the adjacent jetty has a Public Transport Accessibility Level (PTAL) of 1b/0 which indicates very poor accessibility.

2. PROPOSALS

- 2.1 Minor Material Amendments to Planning Permission Ref PA/03/01493 (Installation of gates either side of Tower Bridge Wharf), Dated 03/02/2004. Variation to include amendment of wording of condition no. 3 to:

“The gates hereby permitted shall only be locked shut between the hours of dusk, or 7pm whichever is later to 6am the following morning and at the other times shall be locked in the open position so as to allow public access to the riverside way.”

3. RELEVANT PLANNING HISTORY

Application Site:

- 3.1 PA/15/03098 Application for variation of Condition 3 (hours of gate closure) of Planning Permission PA/03/01493, Dated 03/02/2004. Variation to allow gates to Tower Bridge Wharf and Riverside Walkway to close at 6pm instead of 11pm. **Refused** on 14/07/2016 for the following reason:

1) The proposal would significantly harm the role of this riverside location as public open space and part of the Thames Path. There has been no evidence submitted to support such an impact. The proposal would be contrary to London Plan policies 7.5, 7.18 and 7.27, Core Strategy (2010) policy SP04, and Managing Development Document (2013) policies DM10 and DM12

3.2 **PA/03/01493** – Installation of gates either side of Tower Bridge Wharf. **Permitted** on 03/02/2004

3.3 **PA/85/01059** – Erection of 64 flats and construction of riverside walkway. **Permitted** on 11/06/1986

Pre-Application

3.4 **PF/21/00016** - To vary the wording of Condition 3 of planning permission PA/03/01493 to change the times the gates close. **Advice provided** on 14/05/2021 that the evidence was considered insufficient to justify the proposal in policy terms

Enforcement

3.5 **ENF/19/00307** – Breach of condition (Thames Path/ Riverside walkway). **Case closed** on 12/11/2020 as LBTH Park and Open Spaces team were not opposed to reduction of opening hours at the time in line with gates closure times at other parks however they have since adopted a stance of not locking these spaces (apart from Victoria Park and Weavers Fields) and no longer support the reduction of opening hours

3.6 **ENF/15/00363** – Restricted access through gates to Thames Path (Walkway) in breach of Condition 3 hours granted under planning application PA/03/01493. Also Condition 4 - erection of access information signs not discharged. **Case closed** on 30/11/2016 as planning application (PA/15/03098) refused and breach ceased however signs detailing opening times were not put up

Neighbouring Sites:

Miller's Wharf House, 78 St Katharine's Way

3.7 **PA/87/01142** – Conversion and extension of existing warehouse to form 22 residential units involving partial demolition of a listed building and alterations to the listed Alderman Stairs. **Permitted** on 31/03/1988

Hermitage Riverside, Wapping High Street

3.8 **PA/11/01628** – New gates and alterations to railings to increase to 1.6m in height on existing park. **Withdrawn** on 05/09/2011

3.9 **PA/03/01181** – Creation of 'Civilians Remembered Park' with electronic information pavilion/memorial, public lavatories, extension of riverside walkway including a glass bridge link to Tower Bridge Wharf and works to Hermitage Stairs. **Permitted** on 15/04/2004

3.10 **PA/97/00504** – Redevelopment of site by erection of a four, part five, part six, part eight storey mixed development scheme comprising residential (96 residential apartments), live/work accommodation (3 units, approx. 370 sq.metres), retail Class A1 (approx. 435 sq.metres), restaurant Class A3 (approx. 730 sq.metres), Exhibition/Gallery Class D1 (approx. 140 sq.metres) floor space, Memorial Park, together with associated car parking accommodation, riverside walkway and public open space. **Permitted** on 06/03/1998

61 to 91 Cinnabar Wharf East, 28 Wapping High Street

3.11 PA/04/01897 – Construction of stairs and ramp to connect river walkway between Cinnabar Wharf east and Capital Wharf. **Permitted** on 08/03/2005

Former 44-60 Wapping High Street

3.12 WP/95/00023 – Redevelopment by the erection of part 5/ part 7/ part 9 storey building, comprising 85 flats, together with car parking and formation of riverside walkway. **Permitted** on 29/05/1996

4. PUBLICITY AND ENGAGEMENT

4.1 Upon validation of the application, the Council sent consultation letters to 273 nearby owners and occupiers on 22nd December 2021. The application was advertised in the local press on 30th December 2021 and site notices were erected outside the site on 14th January 2022.

4.2 A total of **91** letters of representation were received.

4.3 **26** letters of support for the proposal were received (comprising 19 residents of Tower Bridge Wharf, 3 residents of the wider borough, 1 resident of another borough in London and 4 residents from outside London). A petition of **31** in support of the proposal was received, all from residents of Tower Bridge Wharf.

4.4 Comments raised in support of the changes to the opening hours of the gates can be summarised as follows:

- Will reduce the anti-social behaviour late at night and continue to allow plenty of time for the public
- Will improve the security and safety of the neighbourhood
- There is a problem of anti-social behaviour (including drug/nitrous oxide/alcohol taking, drug dealing, groups of intimidating youths, play-fighting, sexual activity, urinating, littering and loud noises) after dark on the Wharf. This is very stressful, living in the building directly above the Wharf
- The police need every help in minimising such anti-social behaviour
- The anti-social behaviour prevents other users from accessing the area
- The area is out of sight and attracts such ASB
- Will provide a quieter environment for residents including better quality of life
- Will help to prevent nuisance
- Changing the hours is the best way to make it attractive to locals, visitors and residents
- Area has become a ghetto
- The location is not part of the normal Thames Path route and requires a diversion to access
- Good views of the river and bridge can be sought elsewhere
- The proposal is necessary and needed for many reasons

4.5 **64** letters of objection to the proposal were received from residents of the surrounding area and wider borough (only 11 received from outside the borough or provided no address). Objection letters were also received from the Turks Head Charity, River Thames Society, Thames National Path Trail and 'Reclaim our River' society.

4.1 Comments raised in objection can be summarised as follows:

Public Realm/ Inclusive Design

- Objection to the gates being closed at the latest 7pm when London is such a vibrant and thriving night time city. Path is used by photographers, dog-walkers, couples, runners, fitness classes, commuters and for social purposes providing views of one of the country's greatest treasures
- The Thames is for everyone and there should be no restrictions earlier than the current times. The land is owned and maintained by LBTH and is a public right of way without traffic. Privatisation of public land by stealth. Infringement of public rights to enjoy the walk and evening river views.
- Unacceptable that only a small number of wealthy people will have exclusive access to the area in the evenings rather than the whole community. An attempt to shut out the general public
- Shutting the gates at dusk robs the local community of the opportunity to enjoy this stretch of the Thames Path and its views in the evenings
- Working people finish at 5 or 6 pm, so 7pm leaves no time to reach home and go for a walk if the place is closed, effectively slashing access to weekends only. This includes those with childcare commitments
- Attempting to restrict access is elitist, creates a class divide and is not promoting mixed and balanced communities. The proposal is not considerate to Wapping residents and poorer people in the borough who cannot afford to live by the river and often walk and exercise along the Thames Path
- Council/owners should be working to provide more access to the Thames, not less. Would set a precedent for other buildings to restrict access to the river resulting in the walkways being closed for most of the year
- Will take away a public asset, a hidden gem of tranquillity in London
- The jetty area and lighting are maintained at public expense by LBTH. The proposal is effectively privatising that public asset
- Access to the active river frontage in Docklands has been a hard-fought battle from the 1970s onwards and one that remains incomplete along many stretches including in Tower Hamlets. This was also the basis for the Public Inquiry in 1998 for the Hermitage Memorial Park and its last surrounding areas to remain open for public use and enjoyment, people's health and well-being and for elderly East End and Wapping residents, who went through and survived WWII
- River views and space to walk/sit are beautiful and calming for mental health, especially with the Covid lockdowns. Loss of this would affect quality of life. This part of the Thames Path is an escape from traffic corridors. If approved, there would be very little of the north bank of the Thames accessible
- Approval of this application would bring us one step closer to a London which is just a sea of high walls and gates where the rich can enjoy the city while the rest of us just work in it
- The hours of access will never increase back again if permission is granted
- Unfair, unjust and not in keeping with the objective of Tower Hamlets, and that of the Mayor of London, to provide greater access to open space, and in particular the Thames Path. Access should be for all
- Have lived in Matilda House since the 1980s and enjoyed a stunning view of the river before Tower Bridge Wharf was built. Before the gate restrictions, fireworks displays over the river could be viewed here. The Wharf is a much-loved public amenity

- Causes unnecessary harm and location is of historical importance and significance

Anti-social Behaviour (ASB)

- Closing the gates earlier will only move the ASB to Matilda House and other locations including neighbouring stretches of the Thames Path and doesn't solve the cause of the problem
- If closing off routes for ASB was the solution then the whole of the streets and canals in the surrounding area will need to be shut off too. Casual ASB exists in most parts of London. Most ASB is in summer, not in winter, when gates would be closed the longest
- Other locations such as Shadwell Basin, which suffers from some ASB, would not close to the public
- Cannot shut everyone out because of the odd little bit of noise or ASB just for own benefit and exclude the majority of people who are simply going about their business.
- There is limited ASB in this location. Wapping overall is one of the safest areas in the inner city area and has a wonderful diverse community. Lived in Wapping since the 1990s and the only ASB that has gotten worse is young people in cars using nitrous oxide, nowhere near the waterfront. This is a ruse
- Why is ASB being prioritised on Tower Bridge Wharf as opposed to estates around Wapping?
- The anti-social behaviour issue is at Hermitage Park, not the jetty
- As a woman, feel safe there with CCTV and good lighting
- Have seen young people there and never had issues with them. Maybe the residents don't like the fact that the kids are not white. ASB should be tackled by those who are paid to keep our streets safe. Offenders could easily be apprehended on the jetty, should the police or THEOs make patrols a priority and find out who the perpetrators are
- Minimal effort has been made to attempt alternative solutions, such as animating the space or providing better CCTV, security patrols and lighting. If there are issues then there should be more police funding for patrols and other initiatives
- The Council/owners should put preventative measures to address ASB. To close the space will not stop anti-social behaviour in the area and will negatively impact law-abiding citizens
- In all the many and regular times having sat, walked and simply enjoyed the space over the past 10 years as a nearby resident, during daylight or otherwise, have never seen any ASB. The only times it has been less enjoyable is when occupants of Tower Bridge Wharf flats above, who are proposing the earlier closure, have had extremely loud music playing with their windows/doors open, so it hasn't been members of the public
- There is a marked difference between the number of complaints of ASB and the volume of tickets or police action. The actual hard evidence collected by law enforcement is that a mere 8 ASB warnings have been issued (for people committing or "likely" to commit ASB) and only 2 fixed penalty notices for littering in an 8 month period in 2021 from 132 patrols
ASB data does not specify exactly where the ASB has taken place and is vague in its location. Some of it was outside the walkway opening hours and seems to have been outside of the site and is not directly attributed to Tower Bridge Wharf

Reporting of ASB

- Reporting of ASB issues by Tower Bridge Wharf is not reflective of the actual severity. It is notable that reports of ASB from Tower Bridge Wharf increased following the pre-application meeting in early 2021 when the applicants were told their evidence base was weak. Residents have been fastidiously reporting ever since
- Tower Bridge Wharf residents are already considerably protected from ASB with windows and residences at first floor and above and a concierge service

- Tower Bridge Wharf already has its own private security that are threatening to members of the public passing through
- The applicants do not make clear that most of those reports were from their own employee (the building's porter). There is clearly a risk of reporting bias
- Residents bought the neighbouring flats knowing that they overlooked a public space
- This claim is disingenuous, and they are in truth far more concerned with establishing as far as possible exclusive enjoyment of the Wharf and the effect this would have on the value of their flats
- JLL, who were commissioned by Tower Bridge Wharf to write their proposal is a global commercial real estate and investment management company with offices in 80 countries. In living directly opposite Tower Bridge Wharf, it is apparent that there are a large number of apartments that are not occupied and would appear to be acquired as additional housing or as an investment
- Turk's Head Charity: The St Katharine and Wapping Neighbourhood Ward Panel, reactivated in 2017, has encouraged reporting of ASB to the Police and Council and probably accounts for the increase in crimes reported by the guards at Tower Bridge Wharf
- The walk is sometimes locked closed without permission and planning enforcement had to warn Tower Bridge Wharf to keep it open
- There are no signs asking to limit noise or informing the public about their rights of opening hours – a breach of the planning consent

Other

- It is a public asset and an asset for all
- Proposal is discriminatory
- The original plan shows a bridge across the inlet and into the Hermitage Memorial Gardens. This design would have achieved greater use of the space. As it stands, it's a bit hidden. The middle gate has somehow been gated without planning consent at some point since 1993
- Utterly contrary to the intention of the original Planning Obligation Agreement to allow the general public to enjoy the benefits of the walkway for most of the day and into the evening.
- Consider it unlikely the original planning application would have been given consent if 7pm/dusk was proposed as the closing time
- The previous application was refused on the grounds of lack of evidence
- No alternative measures proposed such as landscaping benefits
- Access to cleaner river air would be taken away
- Proposal fails to take note of the LBTH Community Cohesion Strategy and would be a divisive action in the local community.
- Proposal does not align with Strategic Plan, wider council policies and policing policies nor does it align with the London Charter 2021
- 10pm or 11pm could be acceptable but when walking at 9pm or 10pm have not seen any problem after work. Earlier opening in the morning is supported but should be open until midnight
- Proposal is disproportionate - opening earlier in the morning does not compensate for closing earlier in the evening
- There is the matter of what "dusk" means and which measure of dusk will apply? This would result in unpredictable hours and could not be enforced against
- What would Tower Hamlets Council do to ensure compliance and to impose sanctions where the gates may be locked (or not unlocked) at the agreed times?
- Will negatively impact on mental health and wellbeing of local residents who have flats without a garden
- Public comments should be made available to view online

- Notices not put up in time and in the wrong place/not visible
- Lack of notification
- 24 hour access which is controlled should be encouraged rather than less hours
- Reason that individuals moved to the local area
- View is protected in the LVMF (2012)
- Agree with points made by officers at pre-application stage and comments made by TfL

5. CONSULTATION RESPONSES

Internal Consultees

LBTH Community Safety

- 5.1 There already is white LED lighting at the location (which is recommended) and further improvements to the lighting are unlikely to appropriately tackle the issue at hand. Similarly, any CCTV would have an offender identification purpose rather than prevention therefore closing the gate earlier is considered the preferred and more effective option. Looking at official statistics on Police.uk there have been 21 ASB instances in December 2021 in the vicinity of Tower Bridge Wharf.
- 5.2 The data from police.uk goes through data anonymisation process which complicates any efforts to pin down exactly where the ASB occurs. Similarly, the Council data does not contain the exact location of each incident, so it isn't possible to identify how many incidents occurred outside of Tower Bridge Wharf or at the jetty area. This is due to the Council's ASB database being linked to the Local Land Property Gazetteer (LLPG), but the jetty is absent from the list.
- 5.3 Nevertheless, the number of ASB occurrences can be assessed as high in the vicinity of the location. This would warrant the earlier closures of the gates. Earlier closure of the gates is the most effective solution to the issue at the location. The solution would limit access, removing the means to commit crime. It is likely the closures would displace the ASB to other areas in the Borough, however that is balanced by the diffusion of benefits, meaning an intervention bringing positive effects to nearby locations outside the target area. It is unknown whether there were unauthorised entries when the gates were locked.
- 5.4 The Community Safety Tower Bridge Wharf Report identifies that around 10% of all ASB instances in the Ward originated from Tower Bridge Wharf over the past 5 years. The data suggests that incidents occur between 18:00 and 02:00, with the busiest period being between 18:00 and 23:00. The police data also suggests that 18% of 4,500 reports in a five year period related to the jetty area of Tower Bridge Wharf.

Officer response: As detailed further in section 7 of this report, the definition of ASB occurring around Tower Bridge Wharf is vague and cannot be specifically identified as having originated on the jetty or the adjacent walkway.

LBTH Heritage and Design

- 5.5 Views of the Thames and Tower Bridge are part of the experience of the Tower of London Conservation Area and as such part of its special character. It is important that access to the river and the public views this offers are not privatised. Dusk is not a clearly defined time and would result in the opportunity for public enjoyment of the space at sundown in the summer, or indeed the winter to be curtailed. This reduction in the opportunity to enjoy the special character and appearance of the conservation area is not supported.

LBTH Parks and Open Space

- 5.6 Should not reduce the opening hours for Tower Bridge Wharf and residents should be able to maximise use of the Thames walk.

LBTH Transportation and Highways (LBTH T&H)

- 5.7 This section of the Thames Path accessing Tower Bridge Wharf is to the rear of the development at 84 St Katherine's Way. The applicant has acknowledged that this is used by members of the public. There are currently two gates installed; one on the eastern end of the site and one on the western end of the site, which are locked in an open position between the hours of 07:00 and 23:00 as per planning Condition 3 associated with application PA/03/01493. This application proposes to amend the permitted opening times of the east and west gates, thereby limiting access to Tower Bridge Wharf for all residents and visitors to the wharf (other than those living at the addresses fronting the wharf), to the hours between 'dusk' (or 7pm) and 6am.
- 5.8 Transportation & Highways has no objection to the gates opening at 6am, thereby affording earlier access to the wharf but do not support the closure of the gates any earlier than is currently permitted. LBTH T&H would like to clarify: Tower Bridge Wharf is managed by LBTH Parks and Open Spaces and forms part of the Thames Path walkway which is a Public Right of Way. Public access should be retained and not limited to only certain residential addresses (those living at 84 St Katherine's Way). The walkways around Tower Bridge Wharf are all subject to public rights of way under the Walkway Agreement 1973 granting access to the waterfront for public access.
- 5.9 The ASB data is not site specific and does not show that the ASB is taking place at Tower Bridge Wharf itself. It mentions various incidents of cars playing loud music and 7.5 tonne vehicles driving where they are not permitted. These would likely be Highway enforcement issues and would not be addressed by changing the gate closure times for Tower Bridge Wharf. The ASB report also mentions the use of nitrous oxide but does not specify where – regardless, this or any illegal activity would be a police enforcement issue and would not be remedied by closing the community facility of Tower Bridge Wharf to all members of the public (other than residents of St 84 Katherine's Way). One of the police reports provided stated the design of the gates would not necessarily alleviate ASB due to the design of the gate have a stepped feature / horizontal lines. Therefore, if ASB were to be a concern then the perpetrators could potentially scale the gate.
- 5.10 This section of the Thames Path is a facility for all residents, the community as a whole and for visitors wishing to use the Thames Path. It is a particularly picturesque viewing spot for Tower Bridge. The installation of limited access would extinguish a public right of way and is not supported by LBTH T&H. Having had discussions with colleagues in TfL they have confirmed that they do not support the closure of the gates on the Thames Path as this is a strategic river walkway. LBTH T&H does not support the amendment of the condition for a change of closure times proposed for the reasons outlined above.

External Consultees:

Metropolitan Police (Designing Out Crime):

- 5.11 Whilst in principle we have no objections to the proposal, we would recommend that the applicant ensures our concerns are taken into consideration. From a Designing out Crime position and Secured by Design any location where access is formally controlled this will always help to prevent and reduce incidents of crime and anti-social behaviour. Reduced permeability limits the potential for incidents to occur and can also reduce the fear of crime for surrounding residents. Appendix 2 highlights the high number of ASB related incidents within the ward of St Katharine's and Wapping.

- 5.12 There are also positives to permeability in that if pathways and communal areas are provided with ongoing natural surveillance, and these are appropriately lit/ covered by CCTV, this can help in return to provide these locations with an increase in foot fall and therefore provide the area, as a whole, with good natural surveillance. The Metropolitan Police have been unable to fully establish how and when these gates are to be locked, and whether access is then only provided to residents.
- 5.13 The Metropolitan Police are concerned about whether closing and locking these gates will actually have the desired effect as some of the existing gate designs do appear to support climbing rather than frustrating it. Whilst a closed and locked gate will highlight the restriction to access, if a gate is easily scaled, or bypassed, this could cause unexpected issues as no legitimate users will be within this space leaving only unauthorised users at the location.

Port of London Authority

- 5.14 No objection.

River Thames Society

- 5.15 Urge the Council to reject the application. The jetty, which the Council maintains, is a marvellous viewing platform for Tower Bridge and nearby area, and an intrinsic and valued part of the Thames Path, greatly welcomed by residents and visitors alike. We welcome the proposals to open the gates at 6am but feel that the earlier evening closure is unwarranted.

Thames Path, National Trail

- 5.16 For the following reasons we recommend the application be refused.
- The Thames Path is a National Trail for all to enjoy and that use should not be restricted. Restricting the access hours in the evening would not be in accord with London Plan Policy T3 which requires the safeguarding of London's walking and cycling networks.
 - The earlier opening time is a benefit to users but the earlier closing of the gate in the evening to reduce anti-social behaviour is too early and would significantly restrict evening use of the National Trail. This location has iconic views of Tower Bridge which is an attraction to users of the Thames Path both in day and night time.
 - London Plan Policy SI 16 (Waterways – use and enjoyment) states the following: Development proposals should improve and expand the Thames Path and the towpaths, improve alignment with the waterway where relevant, enhance them as walking routes, and provide better linkages to the transport network. This will require collaboration with relevant partners including London boroughs, the PLA, the Canal and River Trust, the Environment Agency and Natural England, as well as landowner, developer and community representatives.
- 5.17 These paths will be public and not private spaces. The early closing of the gates in the evening will in part make the Thames Path at this location feel like a private space and not a 'National Trail' for all to enjoy and therefore this application should be refused.

Transport for London (TfL):

- 5.18 The Thames Path is part of the Strategic Walking Network and therefore should not be closed to public access longer than was originally agreed and ideally restrictions to public access should be reduced not increased. This is to be in line with London Plan Policy T2, Healthy Streets.
- 5.19 TfL does not agree that restricting public access to strategic walking routes or public paths would be in accord with London Plan Policies D3, D8 and D11 to create an inclusive environment. TfL would recommend an approach to reducing anti-social behaviour should not be at the cost of restricting the wider public access to the riverside. –

- 5.20 Access to the Thames Path is also a contributor to public wellbeing of visitors and local people beyond the development itself. In this location, this a significant local view of Tower Bridge after dark as well as during daylight. Policy D8 of the London Plan identifies the importance of creating a sense of place during different times of day and night. Policy HC6 refers to the need to improve access, inclusion and safety at night. Limiting further the public access to the strategic walking conflicts with this policy. For reasons outlined above, TfL recommend refusal of the application.

Turk's Head Charity

- 5.21 Object to the request for the gates at Tower Bridge Wharf to be locked from 7pm or dusk until 6am on the grounds it will deny access to a riverside public place owned by Tower Hamlets Council. The application states that Tower Bridge Wharf Management tried to change access times to the Thames Path in 2016, but refused because of a lack of evidence of ASB and failure to seek alternative measures. Since then the St Katharine and Wapping Neighbourhood Ward Panel, reactivated in 2017, has encouraged reporting of ASB to the Police and Council and probably accounts for the increase in crimes reported.
- 5.22 The applicant's covering letter names two documents in support. One is a Tower Hamlets Community Safety Report, dated October 2021, but which does not state who commissioned it and does not include the appendices. The second is an ASB report compiled by the St Katharine and Wapping Safer Neighbourhood Ward Panel ASB subgroup. Neither of these reports are robust enough to justify the changes.
- 5.23 The Community Safety Report is unclear on the percentage of ASB reports that come from Tower Bridge Wharf. For instance on page 3 it states: "Around 10% of the ASB complaints in the Ward came from residents or security staff of Tower Bridge Wharf." On page 6 it states: "The incident location for the Police data is slightly more accurate than that held by the Council. A large proportion of the data for Tower Bridge Wharf was identified based on telephone numbers reporting rather than location of incident. However it was possible to identify 18% of ASB complaints where the jetty area of Tower Bridge Wharf was specifically mentioned." What does "telephone numbers reporting" mean? How has the previous stated figure of 10% risen to 18%? On page 7-8, this figure rises to 35%. "Between July 2021 and September 2021, the ASB complaints in Tower Bridge Wharf accounted for 35% of all ASB complaints made in the St Katharine's & Wapping Ward." It goes on in its conclusion to say: "To date 8 ASB warnings (ASBWs) for people committing or likely to commit ASB in the area. THEOs have also issued 2 Fixed Penalty Notices (FPNs) for littering offences." and "Due to the volume of ASB complaints in the area, Tower Hamlets Council and the Police have regularly tasked resources to Tower Bridge Wharf and the surrounding area since October 2020. Between February 2021 and September 2021, the THEOs have undertaken 132 patrols, supported by visits from the police Safer Neighbourhood Team". This means on average just one ASBW was issued per month.
- 5.24 The St Katharine and Wapping Neighbourhood Ward Panel ASB report concluded that: 2 "All Thames Path and riverfront steps/walkways from Tower Bridge Wharf along to the west end of Narrow Street are ASB hotspots." What data is this based on? Has this statement been tested, challenged or questioned? If this application is successful, the logical conclusion would be that as magnets for ASB, public riverside areas swallow too many resources and instead of Council control should come under the network of management companies in charge of running riverside residential blocks. Access to the river is already limited and further limitations run contrary to the Council's policies on contact and connection with water spaces. ASB is an endemic problem throughout Tower Hamlets and the strategy to deal with it requires borough-wide solutions instead of piecemeal insidious privatisation.

6. RELEVANT PLANNING POLICIES AND DOCUMENTS

Development Plan

- 6.1 Planning decisions must be taken in accordance with relevant policies in the Development Plan, unless there are material considerations which indicate otherwise.

The Development Plan comprises:

- Tower Hamlets Local Plan 2031 (2020)
- London Plan (2021)

The key Development Plan policies relevant to the proposal are:

Land Use and Environment (*open space, water space, health*)

Local Plan: S.SG1, D.SG2, S.OWS1, D.OWS3, D.OWS4, D.ES4
London Plan: G4, SI 14, SI 16, SI 17, GG3, HC6

Design (*layout, appearance, permeability, public realm, safety*)

Local Plan: S.DH1, D.DH2
London Plan: D3, D5, D8, D11

Heritage (*conservation area, views*)

Local Plan: S.DH3, D.DH4
London Plan: HC1, HC3, HC4

Amenity (*privacy, noise*)

Local Plan: D.DH8, D.ES9
London Plan: D3, D14

Transport (*sustainable transport, connectivity, walking, cycling*)

Local Plan: S.TR1
London Plan: T1, T2, T3, T5

Other policies and guidance

- 6.5 Other policy and guidance documents relevant to the proposal are:

National Government

- National Planning Policy Framework (2021)
- National Planning Practice Guidance (updated 2021)
- National Design Guide (2019)

Greater London Authority

- City Fringe Opportunity Area Planning Framework (2015)

- Character and Context (2014)

London Borough of Tower Hamlets

- Planning Obligations SPD (2021)
- Tower of London Conservation Area Character Appraisal and Management Guidelines (2008)

Other

- Thames Estuary 2100 (Environment Agency) (2022)
- Thames Vision 2050 (Port of London Authority) (2022)
- South East Inshore Marine Plan (HM Government) (2021)
- The Case for a River Thames Cultural Vision (Mayor of London) (2019)
- Thames River Basin District River Basin Management Plan (Environment Agency) (2015)

7. PLANNING ASSESSMENT

The key issues raised by the proposed development are:

- i. Land Use and Open Space
- ii. Heritage and Design
- iii. Neighbouring Residential Amenity
- iv. Highways and Transport
- v. Equalities and Human Rights

LAND USE AND OPEN SPACE

Background

- 7.1 Tower Bridge Wharf, the residential building and public riverside walkway, gained planning permission to be built in 1986. The 1986 planning legal agreement secured the riverside walkway to be constructed by the developer with opening hour conditions for members of the public from 8am to 11pm, however there were no gates to the walkway at this time.
- 7.2 Subsequently in 2003, planning permission was granted to install gates on either side of Tower Bridge Wharf in order to physically enforce the same 8am to 11pm opening hours. The 2003 consent did not approve any increased restrictions to the public access legal agreement. The 2003 consent also stated that the gates *'would remain open on special occasions, such as celebration fireworks, outside these hours,'* however it is unclear if the Wharf still operates as per the decision notice.
- 7.3 In 2016, a planning application to reduce opening hours to 8am to 6pm was refused. Riverfront public walkways in this area have been secured piecemeal from three neighbouring, interconnecting planning permissions, namely Tower Bridge Wharf (consented in 1985),

Cinnabar Wharf (consented in 1998) and Capital Wharf (consented in 1996), now forming a adjacent sections of the public riverside walkway/ Thames Path.

Publicly Accessible Open Space

- 7.4 The jetty promenade area is designated as Publicly Accessible Open Space in the Local Plan, referred to as Carron Continental Wharf. The Local Plan states that open space will be considered to be publicly accessible, where access for the public is secured by virtue of legal agreements and formal arrangement; whether it is in public or private ownership. It is understood that the jetty area is owned by Tower Bridge Wharf but managed by LBTH. Access to the Thames Path and jetty open space were secured by legal agreement in the original planning permission in 1986. The legal agreement specifically states that access to the public is between 9am and 6pm and a deed of variation to the legal agreement would be required in order to give effect to this application, should it be granted. The change in closing hours to 7pm/ dusk (whichever is later) could also prove to be uncertain for members of the public planning a journey, given the ambiguity of the word “dusk.”
- 7.5 Policy D.SG3 (Health impact assessment) states that applicants for development involving such spaces are required to submit a health impact assessment to outline how the development could positively or negatively impact on the wider determinants of health and should identify actions to enhance the positive impacts and mitigate the negative impacts. London Plan objective GG3 (Creating a healthy city) also supports the above aims in promoting active and healthy lives. Designs of spaces that promote healthy lifestyle choices are intrinsically linked with open space policies (later in this section), as well as design policies (in ‘Heritage and Design’ section) and transport policies (in ‘Highways and Transport’ section).
- 7.6 Further to the above, policy D.SG2 (Delivering sustainable growth in Tower Hamlets) states that *“Development will be supported and is considered to contribute towards delivering the Local Plan vision and objectives and to be sustainable where it: shares the benefits of growth, through: i. contributing to creating healthy environments - encouraging physical activity, promoting good mental and physical wellbeing and reducing environmental factors which can contribute to poor health, including poor air quality.”*
- 7.7 The restriction of evening opening hours would negatively impact on the wider determinants of health for borough residents, as it would make walking and cycling less attractive by restricting access to this visually cherished waterfront and sitting space. Mitigation has been proposed in the form of increasing morning opening hours, however this would not be sufficient to outweigh the evening losses when more people would be able to use the space. Therefore, the proposal would be contrary to policy D.SG3 of the Local Plan and objective GG3 of the London Plan.
- 7.8 Policy S.OWS1 (Creating a network of open spaces) states that *“proposals will be required to provide or contribute to the delivery of an improved accessible, well-connected and sustainable network of open spaces,”* including through:
- 1(a) - Protecting all existing open space to ensure that there is no net loss
 - 1 (c) - Improving the quality, value and accessibility of existing publicly accessible open space across the borough and neighbouring boroughs, in line with the Green Grid Strategy, Open Space Strategy, Local Biodiversity Action Plan and Sport England’s Active Design Guidance.
 - 1(d) - Delivering an improved network of green grid links in line with the Green Grid Strategy to enhance access to key destination points (town centres, community facilities and publicly accessible open spaces) and to and along water spaces, as well as provide ecological corridors for wildlife

- 1(e) - Maximising the opportunities to create/increase publicly accessible open space (including playing pitches and ancillary sporting facilities) with a range of sizes and for a range of users

7.9 The proposed increased restrictions would be contrary to the above policy S.OWS1 points (1(a) – 1(e)), as the application seeks to reduce access, would not improve the quality, value or accessibility of the space, would not help deliver improved green grid links to publicly accessible open space and water spaces, even though the application site is located in the Green Grid Buffer Zone and would result in users having to navigate existing roads around the site when the gates are closed.

7.10 Supporting paragraph 13.19 lists areas in the borough where this will be especially promoted and includes the “*Thames Path – maintaining and expanding the Thames Path to provide continuous public access to the river.*” The proposal would not maintain or expand access to the Thames Path. For the reasons above, the development would be contrary to policy S.OWS1.

7.11 London Plan policy G4 specifies that development should not result in the loss of protected open space. The supporting text in paragraph 8.4.1 notes that all types of open space, regardless of their function, are valuable in their ability to connect Londoners to open spaces at the neighbourhood level. Connectivity across the network of open spaces is particularly important as this provides opportunities for walking and cycling. Turning back to the Council’s Local Plan policies, policy D.OWS3 states that development should not adversely impact on the public enjoyment, openness, ecological and heritage value of the borough’s publicly accessible open spaces. The development would also therefore be contrary to policy D.OWS3 as it would adversely impact on the public enjoyment and openness of the borough’s publicly accessible open spaces.

Water Spaces/ Thames Path

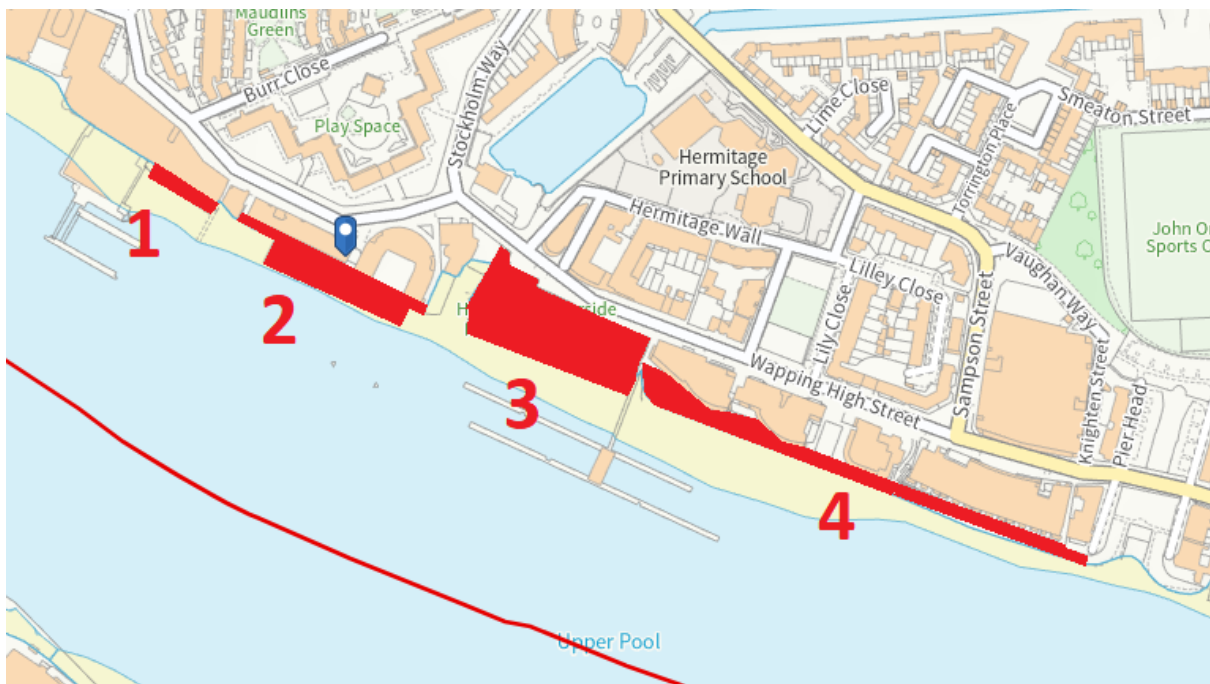


Figure 3: Publicly accessible riverside areas (Red), secured by planning permission

7.12 Both the London Plan and the Local Plan recognise the role of the Thames Path, which is also designated as a National Trail (part of Thames Path North Bank Section 3, Tower Bridge to Greenwich). National Trails are long distance walks through some of Britain’s best

landscapes. Features of this part of the Thames Path are its stunning river views, including historic wharfs and Tower Bridge.

- 7.13 Figure 3 shows the parts of riverside open space which are currently available. Wapping is built up around the River Thames with numerous historic buildings up against the water's edge without a footpath or setback. Since the 1980s, the Council and London Docklands Development Corporation have permitted residential developments along the riverfront, as long as public riverside walkways were secured by condition or legal agreement.
- 7.14 Figure 3 has been numbered to show the planning permissions secured, which will be detailed further below with information on riverside walkway access:
1. Miller's Wharf House, 22 flats consented in 1988 (PA/87/01142). **Riverside frontage to be open to the public 9am to 11pm everyday by legal agreement**
 2. Tower Bridge Wharf, 64 flats consented in 1986 (PA/85/01059). **Riverside frontage to be open to the public 8am to 11pm everyday by legal agreement**
 3. Hermitage Memorial Park and Cinnabar Wharf, 96 flats and park consented in 1998 (PA/97/00504). **Riverside frontage and park to be open to the public 24 hours everyday by legal agreement**
 4. Capital Wharf, 85 flats consented in 1996 (WP/95/00023). **Riverside frontage open to the public 24 hours everyday**
- 7.15 Policy D.OWS4 is tasked with responding to development within or adjacent to the borough's water spaces and sets out a specific list of requirements for development within these locations. The proposed development would be contrary to point 1(f) of this policy, as it would not provide increased opportunities for continuous public access. The proposal would also be contrary to point 3 of the policy as it would fail to enhance (it would actually reduce) the area's links with the water space and contribute to the delivery of continuous walkways, canal towpaths and cycle paths (e.g. completion of the Thames Path).
- 7.16 Supporting paragraph 13.56 emphasises that improved public access to and along the borough's water spaces will be promoted, particularly where it is currently restricted, partially restricted or fragmented (e.g. along the River Thames).
- 7.17 Policy S.OWS2 is tasked with supporting the creation of a network of high quality, usable and accessible water spaces network. The development would be contrary to part 1(c) of this policy as it would reduce accessibility and wayfinding to and along water spaces to maximise opportunities for public use and enjoyment. It would also fail to promote water spaces for cultural, recreational or leisure activities (such as walking and cycling) for public use and enjoyment, contrary to point 1(d). Point 1(f) of the policy directs development to support the aims of the following related documents:
- European Union Water Framework Directive
 - South East Inshore Marine Plan
 - Thames Estuary 2100
 - Thames Vision 2050
 - Thames River Basin District River Basin Management Plan
- 7.18 Part of the Vision for the South East Inshore Marine Plan includes facilitating "*improved access*" to the '*Tidal Thames*.' The Marine Plan includes a policy (SE-ACC-1) which states that proposals are to demonstrate '*appropriate enhanced and inclusive public access to and within the marine area, including the provision of services for tourism and recreation activities,*' to be supported. Policy SE-TR-1 states that '*proposals that promote or facilitate sustainable tourism and recreation activities, or that create appropriate opportunities to expand or diversify*

the current use of facilities, should be supported.” The proposal would impose increased restrictions on recreation activities beside the Thames.

- 7.19 One of the three key themes of the Thames Vision 2050 is listed as *“Destination Thames, A place to live, visit, play and enjoy.”* One of five key priorities listed is *“Access & Inclusion, An inclusive river, accessible to all.”* Within the associated Action Plan, *“improved access, diversity and inclusion,”* is listed. The proposal would reduce opportunities for access, diversity and inclusion to the River Thames. For the reasons above, the development would be contrary to the South East Inshore Marine Plan, the Thames Vision 2050 and policy S.OWS2 overall.
- 7.20 London Plan policy SI 16 (Waterways – use and enjoyment) specifies that development proposals along waterways should; protect and enhance inclusive public access to and along the waterway front and explore opportunities for new, extended, improved and inclusive access infrastructure to/from the waterways; improve and expand the Thames Path and the towpaths, improve alignment with the waterway where relevant, enhance them as walking routes, and provide better linkages to the transport network.

Conclusion

- 7.21 The proposed development would be unacceptable as it would adversely impact on active lifestyle choices, it would unduly restrict access to Publicly Accessible Open Space, water spaces, the Thames Path and National Trail, contrary to policies D.SG3, S.OWS1, S.OWS2, D.OWS4 of the Tower Hamlets Local Plan, GG3, SI 16, G4 of the London Plan.

HERITAGE AND DESIGN

Impact on Heritage Assets and Views

- 7.22 Tower Bridge Wharf falls within the Tower of London Conservation Area. The riverside walk at Tower Bridge Wharf affords peaceful, unrestricted views towards the Grade I listed Tower Bridge (which sits within the Local Setting of the Tower of London World Heritage Site) as well as long views of the Grade I listed St Paul’s Cathedral. The Tower of London Conservation Area Character Appraisal and Management Guidelines state that *“the openness of the river, and the clear views to Tower Bridge and to the Tower of London, are important parts of its character.”* It is therefore clear that the unique public views of iconic heritage assets from Tower Bridge Wharf are important to the character of the conservation area.
- 7.23 The proposal would result in an additional unwelcome restriction of opening hours and access to the Wharf, along with evening views and enjoyment of the openness of the river. In addition to this, the proposed dusk closing would likely result in gate security workers waiting to usher members of the public away directly around sunset, impinging on the peaceful enjoyment of users. Evening views of Tower Bridge from the application site are especially valuable. The loss of evening views and overall restriction in access to views of the river and Tower Bridge would be unacceptable, contrary to policy S.DH1 (Delivering high quality design).
- 7.24 Policy S.DH3 (Heritage and the historic environment) states that *“Proposals must preserve or, where appropriate, enhance the borough’s designated and non-designated heritage assets in a manner appropriate to their significance as key and distinctive elements of the borough’s 24 places.”* Significantly, in relation to the current application, *“Proposals to alter, extend or change the use of a heritage asset or proposals that would affect the setting of a heritage asset,”* are required to *“safeguard the significance of the heritage asset, including its setting, character, fabric or identity”* and *“enhance or better reveal the significance of assets or their*

settings d. they preserve strategic and locally important views and landmarks, as defined in Policy D.DH4.”

- 7.25 London Plan policy HC1 (Heritage conservation and growth) states that *“Development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets’ significance and appreciation within their surroundings.”*
- 7.26 The proposal would adversely impact on the setting of the conservation area by way of the loss/ restriction of important views (see Figure 4) of Tower Bridge and the river, failing to safeguard the setting, character and identity and further covering up (as opposed to better revealing) locally important heritage views and landmarks, contrary to policy S.DH3 of the Local Plan and HC1 of the London Plan.

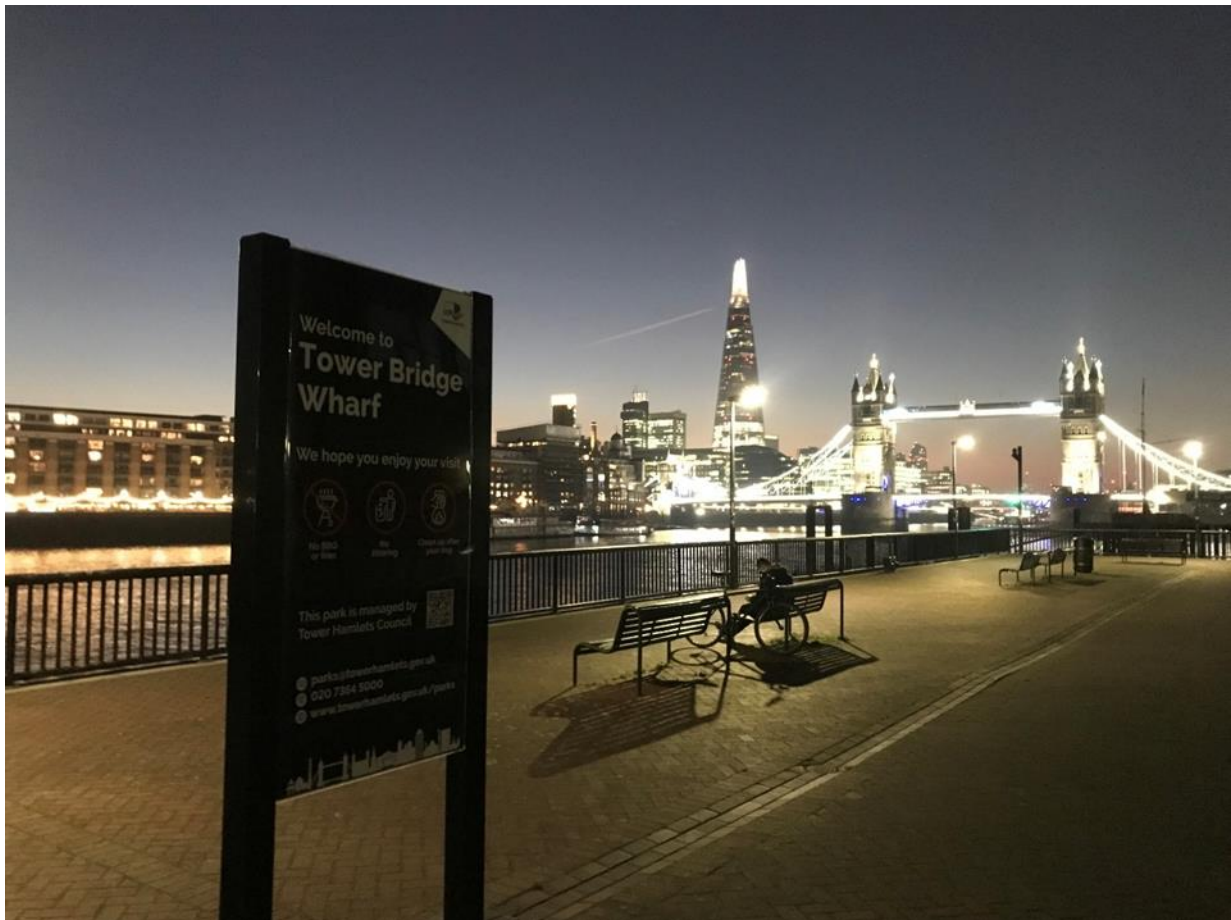


Figure 4: Evening view towards Tower Bridge

- 7.27 In regard to local views, policy D.DH4 (Shaping and managing local views) states that development will be required to demonstrate how it
- Preserves or enhances the prominence of borough-designated landmarks
 - Preserves or enhances local views identified in conservation area appraisals and management guidelines
 - Preserves or enhances visual connection of the public realm with water spaces

- Preserves or enhances townscape and views to and from the site which are important to the identity and character of the place

7.28 London Plan policy HC3 states that *“Strategic Views include significant buildings, urban landscapes or riverscapes that help to define London at a strategic level. They are seen from places that are publicly-accessible and well-used.”* The proposal would fail to preserve any of the above types of views related to Tower Bridge and the River Thames, within the Tower of London Conservation Area, therefore it would be contrary to policy D.DH4. The proposed scheme would not enhance any of the views; it would actually diminish the possibility of these views.

Mixed and Balanced Communities

7.29 Policy S.DH1 (Delivering high quality design) states that *“Development is required to meet the highest standards of design, layout and construction which respects and positively responds to its context, townscape, landscape and public realm at different spatial scales, including the character and distinctiveness of the borough’s 24 places and their features,”* through, including: 1(d) protecting important views of and from landmark buildings and vistas; 1(f) creating well-connected, inclusive and integrated spaces and buildings which can be easily adaptable to different uses and the changing needs of users.

7.30 The restriction of access to this attractive walking and cycling route on the Thames Path would be contrary to the above policy aims.

7.31 Policy D.DH2 (Attractive streets, spaces and public realm) states that *“Development is required to contribute to improving and enhancing connectivity, permeability and legibility across the borough, ensuring a well-connected, joined-up and easily accessible street network and wider network of public spaces through:”*

- 1(a) - Improving connectivity to public transport hubs, town centres, open spaces, water spaces, social and community facilities and surrounding areas
- 1(b) - Maintaining existing public routes or appropriately re-providing access routes during the construction phases of new development

7.32 Furthermore, *“development is required to positively contribute to the public realm through:”*

- 2(b) - Providing a range of public spaces that can function as places for social gatherings and other recreational uses
- 2(f) - Resisting the creation of gated communities which do not promote socially inclusive and cohesive neighbourhoods or connectivity between places
- 2(l) - Creating opportunities for natural surveillance, particularly at ground floor level

7.33 The proposal would be contrary to the above policy aims as it would reduce connectivity, permeability, legibility and accessibility to open spaces and water spaces, failing to maintain existing access times to public routes. Furthermore, the development would increase the aspect of the application site being perceived as a gated development, failing to promote socially inclusive and cohesive neighbourhoods, connectivity between places and reducing opportunities for natural surveillance at ground floor level.

7.34 London Plan policy D3 (Optimising site capacity through the design-led approach) specifies that development proposals should; enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy; encourage and facilitate active travel with convenient and inclusive pedestrian and cycling routes,

crossing points, cycle parking, and legible entrances to buildings, that are aligned with peoples' movement patterns and desire lines in the area; be street-based with clearly defined public and private environments; achieve safe, secure and inclusive environments; provide active frontages and positive reciprocal relationships between what happens inside the buildings and outside in the public realm to generate liveliness and interest; provide conveniently located open spaces for social interaction, play, relaxation and physical activity; achieve indoor and outdoor environments that are comfortable and inviting for people to use; respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and respect, enhance and utilise the heritage assets and architectural features that contribute towards the local character.

- 7.35 The proposal would fail to correspond with aims for the above policy, resulting in a less active, less connected, inclusive and more privatised character to the public open space that does not promote pedestrian and cycle routes and in turn harms the local character of the area.
- 7.36 London Plan policy D8 (Public realm) specifies that developments should; ensure the public realm is well-designed, safe, accessible, inclusive, attractive, well-connected, related to the local and historic context, and easy to understand; maximise the contribution that the public realm makes to encourage active travel; be based on an understanding of how the public realm in an area functions and creates a sense of place during different times of the day and night; ensure both the movement function of the public realm and its function as a place are provided for and that the balance of space and time given to each reflects the individual characteristics of the area; ensure appropriate management and maintenance arrangements are in place for the public realm, which maximise public access and minimise rules governing the space to those required for its safe management in accordance with the Public London Charter. The proposal would go against the aims of the above policy.
- 7.37 London Plan policy D5 (Inclusive design) specifies that development proposal should; achieve the highest standards of accessible and inclusive design; be designed taking into account London's diverse population; provide high quality people focused spaces that are designed to facilitate social interaction and inclusion; be convenient and welcoming with no disabling barriers, providing independent access without additional undue effort, separation or special treatment. The proposal would provide a less inclusive space and a worse outcome for London's diverse population including local Wapping residents.
- 7.38 London Plan policy HC6 (Supporting the night-time economy) specifies that planning decisions should promote the night-time economy, where appropriate, particularly in the Central Activities Zone, improve access, inclusion and safety, and make the public realm welcoming for all night-time economy users and workers, diversify the range of night-time activities. The policy aims to maintain London as a vibrant 24-hour city. This section of the Thames Path is frequented during both day and night time (defined as between 6pm and 6am) hours by a range of people and the proposal would be contrary to this policy.

Security

- 7.39 Policy D.DH2, point 1(c) states that development should incorporate the "*principles of 'secured by design' to improve safety and perception of safety for pedestrians and other users.*" Policy D11 of the London Plan states that "*Development proposals should maximise building resilience and minimise potential physical risks.*" The policy further states that "*Development should include measures to design out crime... in proportion to the risk.*" Furthermore, "*These measures should be considered at the start of the design process to ensure they are inclusive and aesthetically integrated into the development and the wider area.*"
- 7.40 Officers consider that further restricting access (see Figure 5) would be a blunt method of tackling anti-social behaviour (ASB) on the Thames Path. The Thames Path is a much valued,

strategic attraction of national significance, designated as a National Trail rather than a private area of a housing estate with minimal amenity value or footfall. If restricting access was one of the forefront options to tackle ASB then much of the borough would consist of gated streets and estates, creating a prevalent architecture of fear.

- 7.41 The Metropolitan Police Secured by Design team have commented on the application to state that they have no objections to the proposal, however they have raised some concerns. They recognise that the proposals are solely designed to reduce incidents of crime, disorder and ASB on the application site. The Metropolitan Police have raised concerns on reduction of permeability, whether building residents would still have access to the open space and the easily climbable nature of the gates. They recognise that a more permeable area with appropriate lighting and CCTV, as well as being a better designed space, would allow more natural surveillance along with the naturally higher footfall. From a holistic point of view, officers consider that if gates closing times are increased in this location then ASB will simply move to another nearby location.



Figure 5: Eastern access gate to Thames Path

- 7.42 LBTH Community Safety have commented on the application and provided a report analysing crime statistics from the local area recent years. They state that closing the gates earlier would be the most effective way of tackling potential crime on Tower Bridge Wharf. They have identified that there is relatively high ASB occurrences in the local area. However, from the data, they are unable to identify exactly where the ASB has occurred and so it may be outside of the jetty area, such as on the road. From looking at the St Katharine's & Wapping ward crime map on the Police website, it is unclear and data looks to also include the Hermitage Riverside Memorial Gardens. LBTH Community Safety team have also commented that they

are unsure if there are unauthorised entries when the gates are closed and that closing the gates earlier would likely displace the ASB to other areas of the borough.

- 7.43 The LBTH Community Safety team analysed statistics which showed 36 crimes (including 21 ASB incidences) in December 2021 around but not necessarily, specifically, on Tower Bridge Wharf. It also appears that the crime map analysed was not fully zoomed in to Tower Bridge Wharf. From looking at December 2022 statistics on the Police website (see Figure 6) and zooming in further, it can be seen that there were significantly less crimes reported in the local area with 4 around the general Tower Bridge Wharf area and 5 around Hermitage Riverside Memorial Gardens.

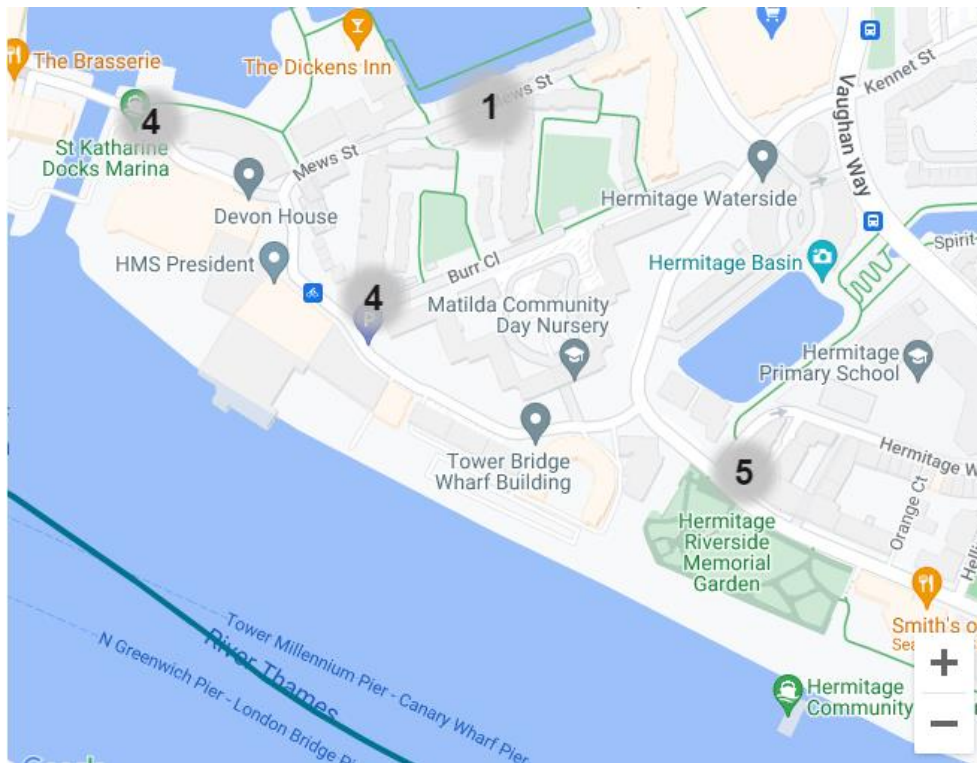


Figure 6: December 2022 crime statistics for local area (Police website)

- 7.44 From looking at overall crime reports in the ward from April 2020 to December 2022, it can be seen that the number of crimes reported is falling (see Figure 7).
- 7.45 Further to the above, officers have had the opportunity to be able to view LBTH Community Safety reports of ASB from June 2019 to September 2021 which identified 307 complaints around, but not necessarily, specifically, on Tower Bridge Wharf. This averages out to roughly 11 ASB complaints per month related to the area around Tower Bridge Wharf. Many of the complaints related to “drug use” or “urination.” Some complaints were related to cars parked with loud music and nitrous oxide taking. Others included complaints over fitness classes taking place on the Thames Path and people using the space during Covid lockdown restrictions.



Figure 7: Crimes reported in St Katharine's and Wapping ward

- 7.46 From the LBTH Community Safety report, between February 2021 and September 2021, the LBTH Enforcement Officers (THEOs) undertook 132 patrols, supported by visits from the Police Safer Neighbourhood Team. They state that *“To date, Police and the THEOs have issued 8 ASB warnings (ASBW) for people committing or likely to commit ASB in the area. THEOs have also issued 2 Fixed Penalty Notices (FPNs) for littering offences.”*

Security Conclusion

- 7.47 Officers consider that if ASB was especially problematic in this area of Publicly Accessible Open Space/ Thames Path, then the jetty space could be redesigned to a more practical and attractive layout. This could include the provision of more aesthetic furniture, increased planting, landscaping and green space, as well as play space and exercise areas. A well-designed space would encourage better use of the riverside frontage, if there was a recognised problem and would deter ASB. Officers consider that better design should be the first action rather than closing off the public space. Closing the gates earlier could lead to a precedent where more valued open spaces, sections of the Thames Path, parks and roads are gated off and at early times.
- 7.48 Further to the above, if there was a specific problem with the area then it is the duty of the Metropolitan Police to increase focus and patrols. Nevertheless, recent data shows that there does not appear to be a significant problem with crime on Tower Bridge Wharf, also evidenced by the amount of ASBW and FPNs issued in relation to the high number of patrols. The lack of specific data related to Tower Bridge Wharf is also an issue and wider borough residents are concerned that Tower Bridge Wharf residents have over-inflated ASB reporting to induce early closure and privatisation of the public open space. A planning application to reduce opening hours to this section of the Thames Path was refused in 2016 and officers do not agree that there is sufficient justification to further restrict residents of the wider community from accessing this Publicly Accessible Open Space and National Trail.

Conclusion

- 7.49 The proposed development would be unacceptable as it would adversely impact on designated heritage assets (the Tower of London Conservation Area) through loss and restriction of important views, loss of permeability, legibility, connectivity and accessibility resulting in a less socially inclusive and cohesive neighbourhood, increasing the perception of a private, gated community, contrary to policies S.DH1, D.DH2, S.DH3, D.DH4 of the Tower Hamlets Local Plan, D3, D8, HC1, HC3, HC6 of the London Plan.

NEIGHBOURING RESIDENTIAL AMENITY

- 7.50 Policy D.DH8 states that development *“is required to protect and where possible enhance or increase the extent of the amenity of new and existing buildings and their occupants, as well as the amenity of the surrounding public realm,”* and *“must not create unacceptable levels of noise.”*
- 7.51 The applicant has proposed increased restrictions to hours of access to the Thames Path in response to ASB and noisy activities and it is recognised that this may be a positive outcome for local residents within Tower Bridge Wharf. However, a noise impact assessment has not been provided to demonstrate that this area suffers from excessive noise. It should also be noted that no statutory noise nuisances have been recorded by LBTH Environmental Health team.

HIGHWAYS AND TRANSPORT

- 7.52 Local Plan Policy S.TR1 states that development is expected to: (a) prioritise the needs of pedestrians and cyclists, (b) be integrated effectively alongside walking and cycling routes to maximise sustainable travel across the borough, (d) not adversely impact the capacity and accessibility of the transport network in the borough. The proposed development would adversely impact on the capacity and accessibility of walking and cycling routes in the borough and would therefore be contrary to policy S.TR1.
- 7.53 Policy T1 of the London Plan states that development proposals should *“facilitate the delivery of the Mayor’s strategic target of 80 per cent of all trips in London to be made by foot, cycle or public transport by 2041,”* as well as *“the proposed transport schemes set out”* and that *“All development should make the most effective use of land, reflecting its connectivity and accessibility by existing and future public transport, walking and cycling routes.”* The proposed development would restrict access to a popular and attractive stretch of the Thames Path which is used for walking and cycling, therefore going against the above policy objectives. Furthermore, the Thames Path (within the strategic Walk London Network) falls within the following proposed improvement transport schemes shown below, identified in the Mayor of London’s Transport Strategy as being able to accommodate London’s growth sustainably, and those that can achieve the wider economic, health and environmental objectives of the London Plan:
- Accessibility and inclusivity embedded in planning and design of Healthy Streets
 - Cycle network development (London-wide)
 - Walk and cycle wayfinding improvements
 - Walk London Network enhancements
 - Walking: improved local routes
- 7.54 The London Plan says that where the transport schemes identified in the Mayor of London’s Transport Strategy will be affected by a proposal, TfL should be consulted at an early stage. In their formal consultation response, TfL concluded that they objected to the application, due to the significant adverse impacts on the Thames Path National Trail, significantly restricting

evening use of the strategic walking with its iconic views. TfL further stated that the proposal would make the location feel like a private space and not in the character of a National Trail which is meant for all to enjoy.

- 7.55 LBTH Highways have also registered their objection to further restriction of opening hours and have reiterated that the Tower Bridge Wharf jetty space is managed by LBTH Parks and Open Spaces and that the Thames Path is a Public Right of Way. Therefore access should not be limited to residents of Tower Bridge Wharf. Furthermore the walk is subject to the Walkway Agreement 1973 granting access to the waterfront to the public. LBTH Highways have also queried the ASB data provided in relation to Tower Bridge Wharf, which also includes ASB unrelated to the jetty space and immediate locality.
- 7.56 London Plan Policy T2 (Healthy Streets) states that *“Development proposals should deliver patterns of land use that facilitate residents making shorter, regular trips by walking or cycling.”* Furthermore, the policy aims to ensure that developments *“deliver improvements that support the ten Healthy Streets Indicators in line with Transport for London guidance”* and *“be permeable by foot and cycle and connect to local walking and cycling networks.”* The proposal would reduce permeability and access to an attractive walking and cycling route, which is a space away from traffic that is relaxing, has clean air, is a place to rest, has things to see and is not noisy, therefore it would be contrary to policy T2, restricting people from healthy and inclusive environments.
- 7.57 London Plan policy T3 (Transport capacity, connectivity and safeguarding) states that development proposals should be *“safeguarding London’s walking and cycling networks,”* as well as the schemes outlined in the Mayor of London’s Transport Strategy, which are listed in bullet-points in para 7.45 (5 objectives relevant to the application site).
- 7.58 Supporting text of London Plan policy T3 states that *“A key means of improving the efficiency of the transport network and unlocking growth potential is to eliminate physical barriers to movement, including in places where the Thames divides the communities on either side of it.”* The application fails to support this objective and is contrary to policy T3 overall.
- 7.59 London Plan policy T4 (Assessing and mitigating transport impacts) states that *“development proposals should reflect and be integrated with current and planned transport access, capacity and connectivity.”* The policy also describes how negative impacts on the transport network will need to be mitigated by transport improvements. As the proposed scheme is not integrated with walking and cycling access, capacity and connectivity in the local area and does not facilitate improvements, the development is contrary to policy T4.
- 7.60 The proposed development is also contrary to London Plan policy T5 (Cycling) as it would increase barriers to cycling and creating healthy environments in which people choose to cycle.

Conclusion

- 7.61 The proposed development would be unacceptable as it would adversely impact on the transport network, contrary to policies S.TR1 of the Tower Hamlets Local Plan and T1, T2, T3 and T4 of the London Plan.

8. HUMAN RIGHTS AND EQUALITIES

- 8.1 In considering this application, the Council has had due regard to the public sector equality duty created by s149 of the Equalities Act 2010 and the provisions of the Humans Rights Act 1998.
- 8.2 The site is a designated Public Right of Way (as part of the Thames Path, National Trail) and the proposal would place restrictions on that right of access. In addition, there would be additional access restrictions to the jetty area, managed and maintained by LBTH Parks and Open Spaces, which is also enjoyed by the wider public as a designated Publicly Accessible Open Space known as 'Carron Continental Wharf.'
- 8.3 The proposal would restrict access to valued public spaces. Only residents who live in the private riverside flats (Tower Bridge Wharf) would benefit from ongoing access to the open space and cherished views during times when gates would be closed, whereas others including local Wapping residents and the wider public would be restricted. The open riverside space would therefore become less inclusive and accessible, and this would disproportionately impact on those from less affluent economic backgrounds, contrary to Development Plan policies (as already mentioned earlier in the report). Notwithstanding the above, it is considered that the proposal would not disproportionately impact on individuals within any of the protected characteristic groups (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief or sexual orientation) and therefore an equalities impact assessment is not required.

9 RECOMMENDATION

- 9.1 That **planning permission is REFUSED** for the following reasons:

- 1) The proposed development would be unacceptable as it would adversely impact on active lifestyle choices, it would unduly restrict access to Publicly Accessible Open Space, water spaces, the Thames Path and National Trail, contrary to policies D.SG3, S.OWS1, S.OWS2, D.OWS4 of the Tower Hamlets Local Plan, GG3, SI 16, G4 of the London Plan.
- 2) The proposed development would be unacceptable as it would adversely impact on designate heritage assets (the Tower of London Conservation Area) through loss and restriction of the enjoyment of important riverside views. The proposal would also result in loss of permeability, legibility, connectivity and accessibility resulting in a less socially inclusive, less equal and less cohesive neighbourhood, increasing the perception of a private, gated community, contrary to policies S.DH1, D.DH2, S.DH3, D.DH4 of the Tower Hamlets Local Plan, D3, D8, HC1, HC3, HC6 of the London Plan.
- 3) The proposed development would be unacceptable as it would adversely impact on the transport network, contrary to policies S.TR1 of the Tower Hamlets Local Plan and T1, T2, T3 and T4 of the London Plan.

APPENDIX 1 – Drawings and Documents

Drawings:

Site Plan

002 (Rev B)

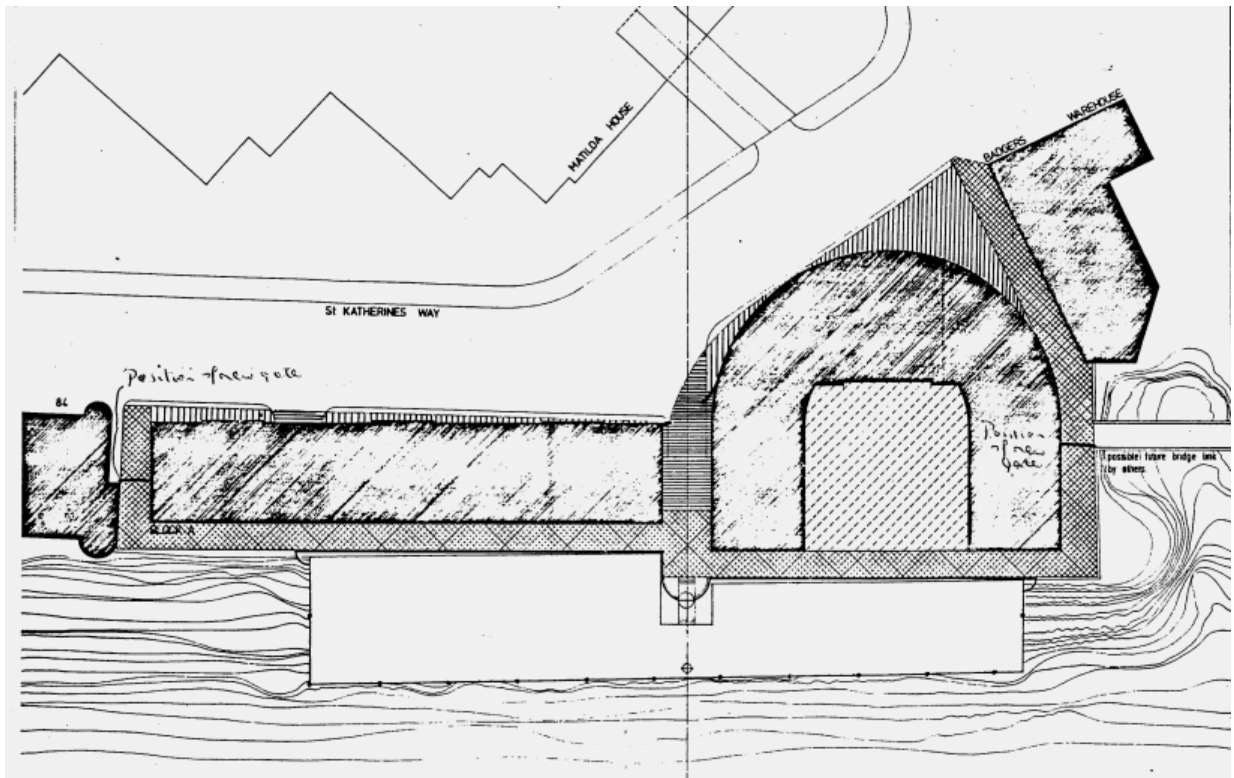
West Side

East Side

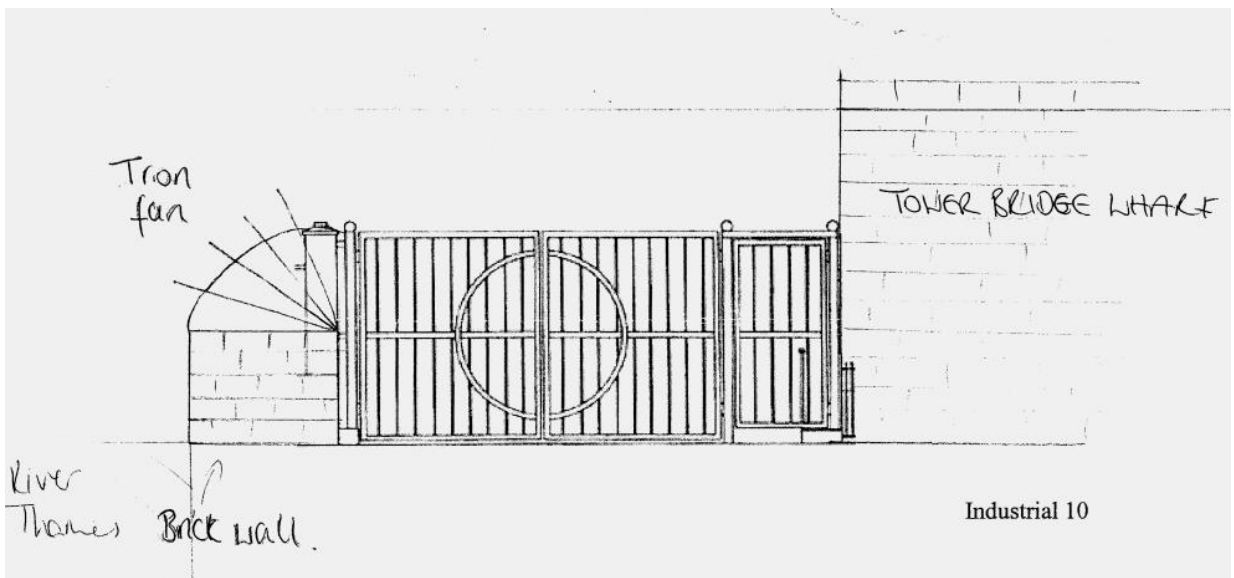
Documents:

Letter from JLL dated 01/12/2021

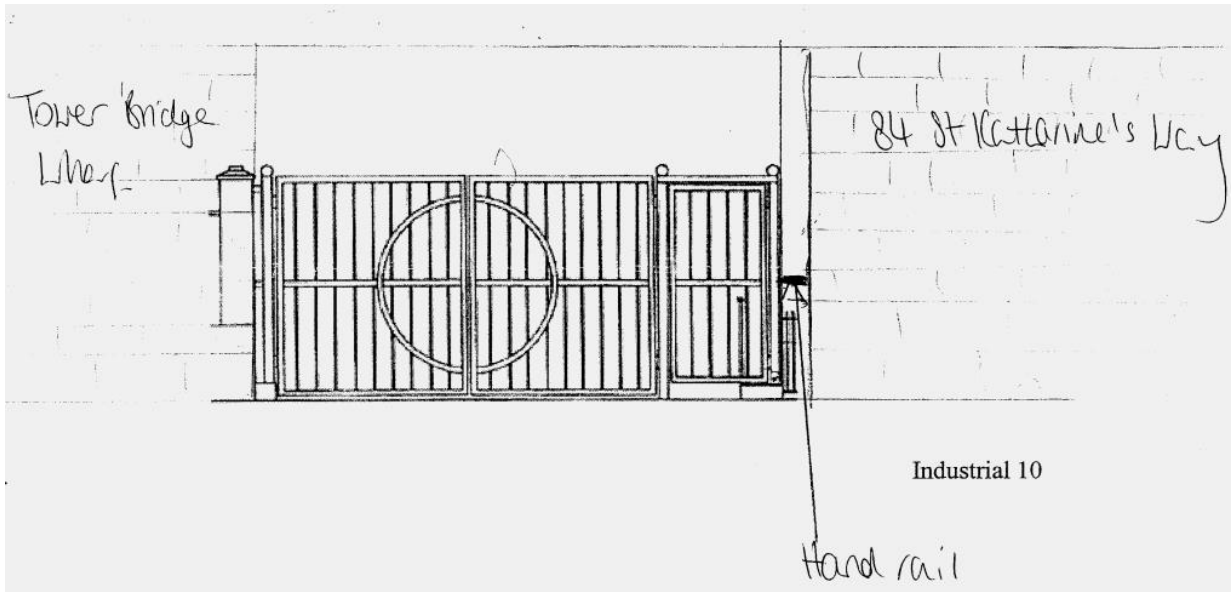
APPENDIX 2 – Drawings



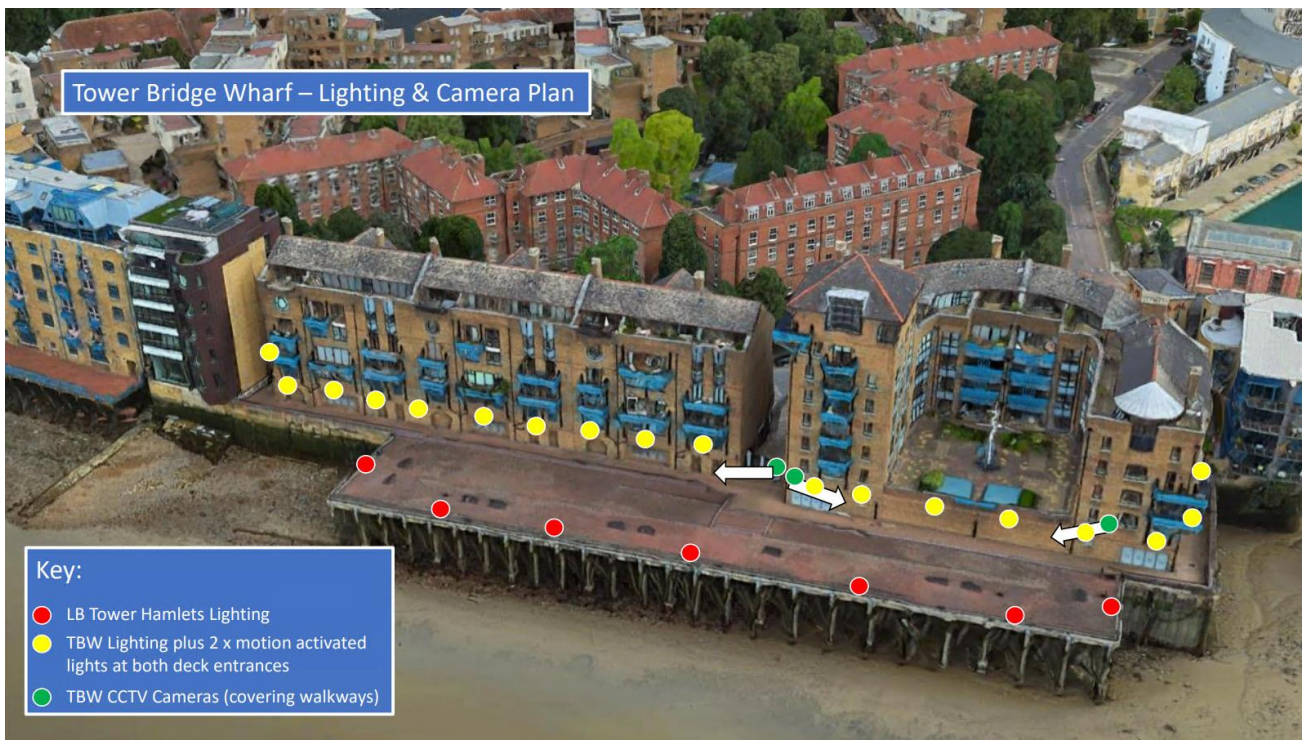
Appendix 2.1: Approved plan showing location of gates



Appendix 2.2: Approved plan showing location of eastern gate



Appendix 2.3: Approved plan showing western gate



Appendix 2.4: Lighting and CCTV location and ownership

APPENDIX 3 – Further site photographs



Appendix 3.1: View from public open space looking west



Appendix 3.2: View from public open space looking east



Appendix 3.3: View from public open space looking across the River Thames



Appendix 3.4: View from public open space towards adjacent Thames Path to east



Appendix 3.5: View towards western gate

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Application for Planning Permission

[Click here for casefile](#)

Reference	PA/22/01910
Site	22 Senrab Street, London, E1 0QE
Ward	Stepney Green
Proposal	Proposed roof extension to create 2 additional bedrooms, 2 new rooflights to front elevation and a new biodiverse roof top to existing rear first floor roof and associated external alterations.
Summary Recommendation	Refuse planning permission
Applicant	Mr Volker Gulde
Agent/ architect	WorJKshop
Case Officer	Lauren Ford
Key dates	<ul style="list-style-type: none">- Application registered as valid on 21/09/2022- Public consultation finished on 04/11/2022

EXECUTIVE SUMMARY

The existing site contains a two storey mid-terrace Victorian single family dwelling house and the proposed development seeks a rear roof extension to create two additional bedrooms, with associated alterations including solar panels, biodiverse roofing and the Air Source Heat Pump unit.

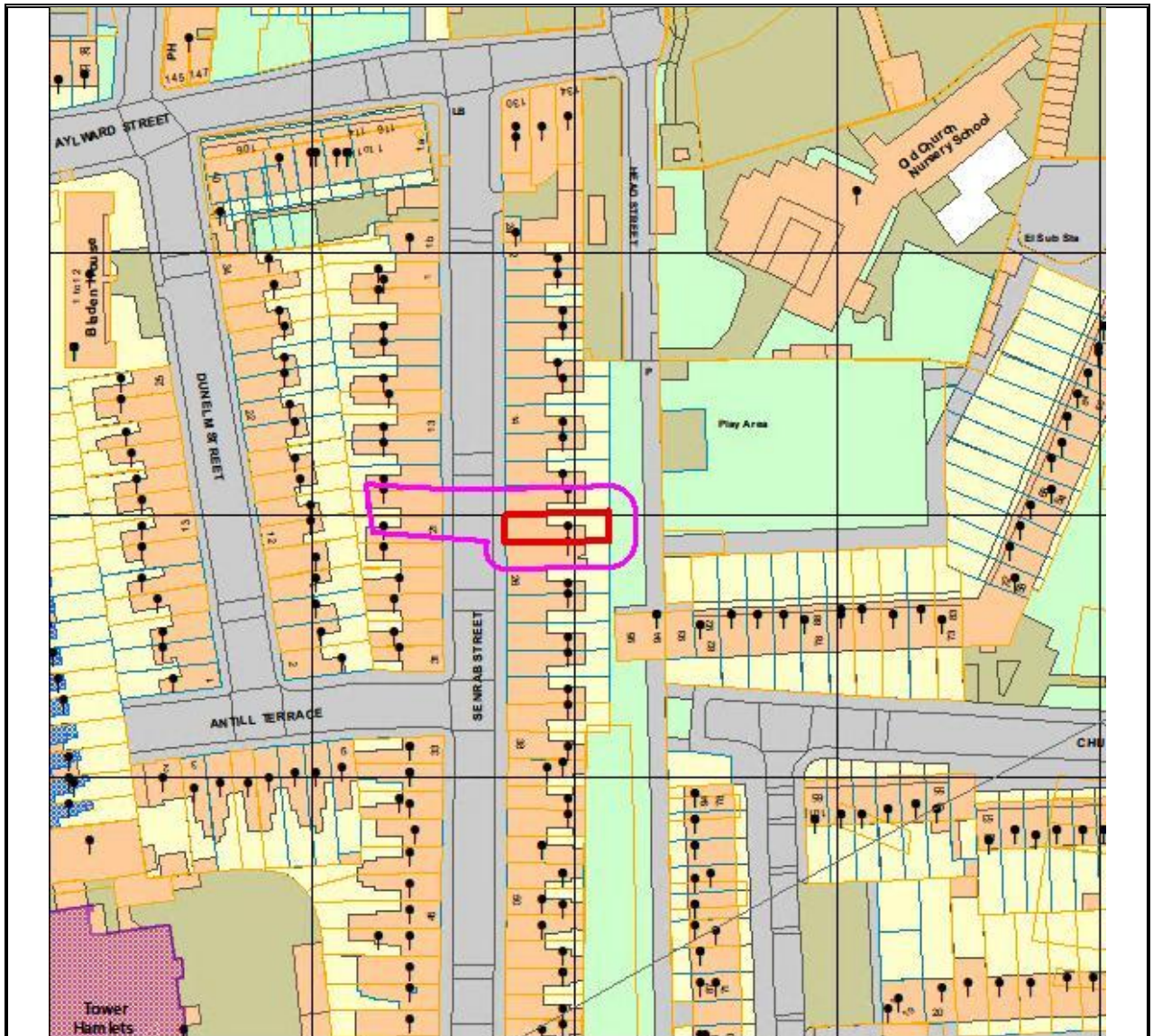
This application follows a previous application for rear roof extensions at the subject site (ref: PA/20/01980), which was refused on 11/11/2020 by reason of the excessive size and discordant design of the extensions, their visibility from public views and the subsequent harm to the significance of the conservation area, which was not outweighed by public benefits. An appeal was lodged and the appeal was dismissed on 11/08/2021.

The current application proposes changes to the previously refused scheme to seek to address the previous concerns. It is however considered that the proposed scheme does not satisfactorily address the reason for refusal and appeal decision.

While the proposal would not give rise to any unacceptable neighbour amenity related effects, the proposal would fail to preserve the special character and appearance of the Albert Gardens Conservation Area. While some public, biodiversity and energy benefits are proposed, the benefits are small in scale, and do not outweigh the harm to the conservation area.

It is considered that the application is contrary to the Development Plan, specifically Policies S.DH1 and S.DH3 of the Tower Hamlets Local Plan. Taking account of all other material considerations, officers recommend the proposed development be refused planning permission.

SITE PLAN



- Planning Application Site Bound
- Other Planning Applications
- Consultation Area
- Land Parcel Address Point
- Locally Listed Buildings
- Statutory Listed Buildings

Planning Applications Site Map PA/22/01910

This site map displays the Planning Application Site Boundary and the extent of the area within which neighbouring occupiers / owners were consulted as part of the Planning Application Process



London
Borough of
Tower Hamlets

Date: 22 February 2023

1. SITE AND SURROUNDINGS

- 1.1 The site (shown in Figure 1) contains a two storey mid-terrace Victorian single family dwelling house. The immediate environment surrounding the site is characterised by other residential properties which are generally 2 storeys in height.
- 1.2 The rear elevation of the terrace within which the application site sits, is visible in public views from Head Street, the southern portion of which is pedestrianised.
- 1.3 The site is located within the Albert Gardens Conservation Area. There are no listed or locally listed buildings within the immediate vicinity of the site. New City College and Marion Richardson School, which lie some 100m to the south, are Grade II listed. There is a residential terrace on East Arbour Street (to the west of the site) which is locally listed buildings.



Figure 1: Aerial view of the site from the east

2. PROPOSAL

- 2.1 The proposal involves the erection of a rear roof extensions to create additional living space in the form of two bedrooms for the existing dwelling. Two front rooflights are also proposed.
- 2.2 The proposed rear roof extensions would comprise a dormer window to the main roofslope and an extension over the existing two storey rear outrigger. The rear dormer window to the main roof will hereafter be identified as the 'rear dormer'. The extension over the rear outrigger will hereafter be identified as the 'outrigger extension'.

- 2.3 The flat roof of the rear dormer would have two 'frame mounted' solar panels (PVs) and an element of biodiverse roofing. The remainder of the flat roof areas of the roof extensions would have a waterproof membrane finish, the walls to the roof extensions would be 'slate cladding' and the proposed windows would be anthracite PPC aluminium external finish.
- 2.4 An Air Source Heat Pump unit (hereafter ASHP) is proposed in the southeastern corner of the rear garden.
- 2.5 Other alterations include the replacement of the existing first floor rear bathroom window with a window equivalent to the other existing timber sash windows and the addition of a biodiverse roof to the existing ground floor rear flat roof.

3.0 RELEVANT PLANNING HISTORY

- 3.1 The relevant planning history that relates to the application site is set out below:

Planning Applications

The site

- 3.2 PA/20/01980: Rear roof extensions to create two additional bedrooms and new rooflights to front roof area: Refused, 11/11/2020. This decision was appealed on 02/02/2021 and the appeal was dismissed on 11/08/2021 (ref: APP/E5900/D/21/3268103).
- Reason for refusal and dismissal at appeal : the proposal would introduce significant built form which would fail to respect the modest proportions of the property, and which would be publicly visible, harming the character of the conservation area, for which there are no outweighing benefits.

Neighbouring Sites

- 3.3 PA/19/01661 (3 Senrab Street): Proposed roof glazing on the approved side extension, construction of a roof dormer extension and a rear Juliet balcony. Permitted, 20/09/2019.
- 3.4 PA/19/01254 (11 Senrab Street): Proposed loft conversion with rear dormer and 2x velux windows on front slope. Permitted, 09/08/2019.

Pre Applications

- 3.5 PF/20/00146: Pre application advice sought on a proposal for a rear dormer window and an extension over the rear outrigger.

4. PUBLICITY AND ENGAGEMENT

- 4.1 Following the receipt of the application, the Council notified nearby owners/occupiers by post and a site notice. A press advert was also published in a local newspaper.
- 4.2 A total of 24 representations were received, all of which were in support of the proposal, and state the following:
- The existing terrace contains similar roof extensions and there are other, modern roof roofed blocks to the east, therefore negligible impact on the character of the conservation area.

- Clear public benefits are proposed, through eliminating carbon emissions, supporting biodiversity and adding to stock of properties with more bedrooms.

5. CONSULTATION RESPONSES

Internal consultees

- 5.1 LBTH Design and Conservation: Minor changes have been made to the scheme following the previous dismissal at appeal. These changes do not overcome our concerns about the scheme. The proposed development would have a detrimental impact on the character and appearance of the Albert Garden's Conservation Area.

6. RELEVANT PLANNING POLICIES AND DOCUMENTS

- 6.1 Decisions on planning applications must be taken in accordance with the Development Plan unless there are material considerations that indicate otherwise.
- 6.2 The Development Plan comprises the London Plan (2021) and the Tower Hamlets Local Plan 2031 (2020).
- 6.3 The key Development Plan policies relevant to the proposal are:

Design and Heritage

- London Plan Policies: D4, HC1
- Local Plan Policies: S.DH1, D.DH2, S.DH3

Amenity

- London Plan Policies: D6
- Local Plan Policies: D.DH8

- 6.4 Other policy and guidance documents relevant to the proposal are:

- National Planning Policy Framework (2021)
- Planning Practice Guidance (updated, 2021)
- Planning (Listed Building and Conservation Area) Act 1990 (PLBCAA)
- Central Area Good Growth Guide (2021)
- Albert Gardens Conservation Area Character Appraisal and Management Guidelines (2009)

7. PLANNING ASSESSMENT

- 7.1 The key issues raised by the proposed development are:

- Design and heritage
- Neighbouring Residential amenity

DESIGN AND HERITAGE

- 7.2 Section 72 of the Planning (Listed Building and Conservation Area) Act 1990 (PLBCCA) states that special attention shall be paid to the desirability of preserving the character of conservation areas. This statutory obligation is reflected in paragraph 199 of the NPPF that states that great

weight should be given to the conservation of a designated heritage asset, irrespective of whether any harm amounts to substantial or less than substantial.

- 7.3 Local Plan Policy S.DH3 also states that proposals must preserve, or where appropriate enhance, designated heritage assets and that significant weight will be given to the protection of the boroughs conservation areas. S.DH1 seeks to ensure development is appropriate in terms of scale, mass, bulk, building and roof lines, design details and use of materials.
- 7.4 In this case the designated heritage asset is the Albert Gardens Conservation Area. Senrab Street was brought into the Conservation Area in 2008, and the Conservation Area Character Appraisal notes that the Senrab Street properties are modest in style. The Appraisal further states that the special interest of the Conservation Area is derived from the distinctive 19th Century built form, reflected in the modest Victorian terraces. Accordingly, the subject property makes a positive contribution to the character and appearance of the conservation area.
- 7.5 A similar proposal to this subject proposal was submitted to the LPA in 2020 (ref PA/20/01980 – see history section above). The application was refused in November 2020 and when that decision was appealed, the Planning Inspectorate dismissed the appeal in August 2021. The Inspector agreed with the LPA, that the roof extensions, by reason of their excessive size and discordant design, would harm the character of the property, the public realm and the conservation area, and that there were no benefits which outweighed the harm. The current proposal seeks to address these concerns through amendments. Each element of the proposal is assessed in turn below, with specific reference to the appeal scheme.

The Front Rooflights

- 7.6 Two rooflights are proposed on the front (western) elevation, shown in Figure 2 below.
- 7.7 The rooflights would be ‘conservation style’, flush to the roofslope. They appear as subordinate additions and would not be visually intrusive within the street scene. As such, they would preserve the special character of the Conservation Area.



Figure 2: Existing (left) and proposed (right) front elevations

The Rear Roof Extensions – The Scheme Dismissed at Appeal

7.8 The rear roof extensions, as dismissed at appeal, are shown through Figure 3 below.

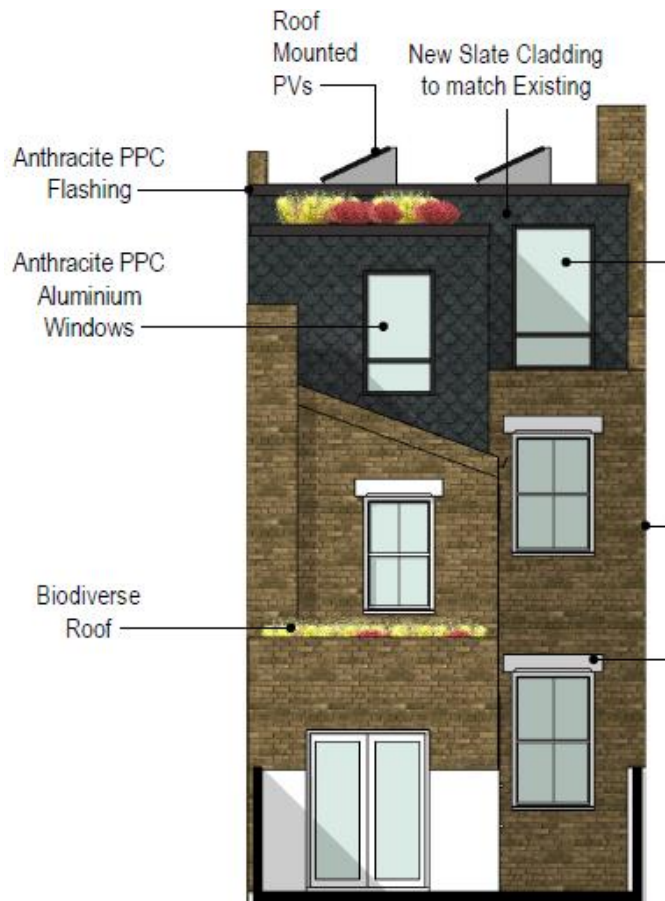


Figure 3: Scheme dismissed at appeal - Rear Elevation

7.9 The following is a summary of the Inspectors assessment of the appeal scheme, as outlined in the appeal Decision. The Inspector stated that the proposal would introduce a significant amount of built form to the rear of the dwelling and that its size and imposing form would fail to harmonise with the modest scale and proportions of the property. He noted that there would be clear views of the development from Head Street, looking into the conservation area, where the proposal would be viewed in the context of the rear façade of the wider terrace. There are three properties in the wider terrace that have existing rear roof extensions and the Inspector noted that these existing extensions are prominent and discordant; and all approved prior to the inclusion of Senrab Street in the Conservation Area. Apart from these limited examples, he notes that the roofscape remains largely unaltered, creating a distinctive rhythm of traditional roofs, outriggers and parapet walls, which all contribute positively to the character of the Conservation Area.

7.10 The Inspector states that the proposal would further erode the traditional, modest character of the roofscape from the rear, which would harm the character and appearance of the conservation area. The Inspector equated the level of harm with 'less than substantial'.

7.11 In weighing the harm against the public benefits of the scheme, the Inspector noted that the proposal would increase and improve the accommodation, which was largely a private benefit and which carried only limited weight as a public benefit. The biodiversity and energy benefits would be small and overall, these public benefits would not outweigh the harm caused to the significance of the designated heritage asset.

The Rear Roof Extensions – Proposed Scheme

7.12 Figure 4 below shows CGI's of the scheme dismissed at appeal (left) and the proposed scheme (right).



Figure 4: The scheme dismissed at appeal (left) and as proposed (right)

7.13 As can be seen from Figures 4 above, the proposed scheme has been modified from the scheme previously refused by the LPA and dismissed at appeal. The key changes between the proposed scheme and previously refused scheme are detailed as follows:

Rear dormer:

- Width reduced by approximately 375mm, by setting its northern flank wall in from the northern edge of the roof;
- Height decreased by 150mm, by bringing it off the eavesline of the roof;
- Corner window added; and
- Surface area of PV's reduced and their appearance more discrete.
- Addition of biodiverse roof.

Outrigger extension:

- Width reduced by approximately 140 mm;
- Roof form amended so that it would be flat then sloping down at the same pitch as the outrigger roof, biodiverse roof removed; and
- Window shape amended.

Other:

- ASHP introduced to the proposal, to be located in the south eastern corner of the garden, at ground floor level. The applicant is proposing an ASHP with a height of 1500mm, width of 1145mm and a depth of 452mm.

7.14 Figure 5 below shows the existing rear elevation (left) and the proposed rear elevation (right).



Figure 5 – Existing (left) and proposed (right) rear elevation

7.15 While the applicant has made changes to the scheme in a bid to address the previous reason for refusal and dismissal at appeal, the proposed scheme is not considered to be sufficiently different in size or design, to address the concerns. While the bulk of the extension has been reduced to some degree, the amount of built form remains materially similar to the appeal scheme, as can be seen in the comparison images above. The resulting proposed roof extension, by reason of its excessive size and bulk, would obscure the traditional lines of the roof and appear entirely out of scale with the modest host property. It would be a visually intrusive and discordant form of development, degrading the largely unaltered and traditional rear roof form of the terrace- which has been identified for its positive contribution to the significance of the conservation area.

7.16 The existing large rear roof extensions at numbers 24 and 26 Senrab Street are of a size similar to that of the current proposal. Building Control records demonstrate that these extensions were constructed when the properties benefited from permitted development rights, prior to the streets inclusion within the conservation area. For these reasons, these extensions are not afforded any significant weight in the assessment of this current application. The 'conservation area' designated afforded to the terrace in 2007 removed permitted development rights relating to roof extensions and consequently, proposals for dormer roof extensions now require planning permission. No rear roof extensions of a similar scale have been introduced to the terrace since

the street was included into the conservation area, which has served to preserve its historic character. As also noted by the Inspector, these isolated extensions do not comprise the 'character' of the rear elevation of the terrace, which is otherwise intact; and the proposal would only exacerbate the harm caused by these discordant additions.

- 7.17 The applicant was advised as part of pre-application advice (PF/20/146) that any proposals in this part of Senrab Street, must take account that these houses are now within the conservation area. That is to say, it is suggested that any roof extensions must be meaningfully smaller than those previously built out through the expression of permitted development rights and by modest in scale and sympathetic to the original roof form of the terrace to which they form a part of. However, it appears that this advice has not been followed.
- 7.18 The extension would be clearly visible from Head Street, looking into the conservation area and the proposal would neither preserve nor enhance the conservation area's special character. The visual harm to this part of the conservation area would equate to 'less than substantial' harm to the conservation area as a whole. Given the above, the proposal would fail to comply with Policies S.DH1 and S.DH3 of the Tower Hamlets Local Plan 2031.
- 7.19 The NPPF directs that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. In terms of public benefits, the proposal would result in two additional bedrooms. As detailed by the planning inspector in the appeal decision, the improved and increased size of accommodation would largely be a private benefit to the applicants family, but would also contribute to the mix of housing types in the area and make more intensive use of already developed land. Nevertheless, the contribution of only one larger dwelling carried only limited weight as a public benefit.
- 7.20 In relation to biodiversity and energy benefits, the following are proposed:
- Renewable energy via two proposed frame mounted Pv's located on the roof of the proposed dormer
 - Biodiverse roof, with seeding benefiting bees. It is noted that no specifications of the biodiverse roof have been provided.
 - Replacement of the gas boiler with an ASHP system, with an aim to reduce carbon emissions by up to 80% by 2030
- 7.21 In weighing the harm against the public benefits, it is the case that while the inclusion of an ASHP would provide some additional benefit above that of the previously refused scheme, the benefits would remain small in scale. In addition, the public benefits associated with ASHP could also be achieved through a more modest scaled extension that does not incur harm to the conservation area. In line with the statutory tests set out in Section 72 of the PLBCAA and the NPPF and in line with Local Plan policy S.DH3, 'less than substantial' harm is not harm that is not significant; and great weight is given to the conservation of the designated heritage asset. It is concluded that the public benefits do not outweigh the harm to the conservation area.

RESIDENTIAL AMENITY

- 7.22 Development plan policies seek to protect and where possible enhance neighbour amenity by safeguarding privacy, avoiding unreasonable levels of overlooking, sense of enclosure, outlook, noise, light, odour, fumes, dust and ensuring acceptable daylight and sunlight conditions.
- 7.23 The proposal, by reason of its rooftop location, would not result in any undue impacts in respect of daylight, sunlight, outlook or privacy.

- 7.24 With respect to the potential for noise and vibration effects associated with the ASHP, the unit would be sited at the back of the rear garden, away from residential windows. In addition, the proposal is a small, domestic unit, and noise output would be limited. Should the application be resolved to be approved, a condition would be recommended, to ensure that noise and vibration emissions do not result in undue noise and disturbance impacts.
- 7.25 While a replacement bathroom window is proposed to the rear, it would remain the same in terms of size and location, therefore no new opportunities for overlooking would be created.
- 7.26 Should the application have been recommended for approval, a condition would have been imposed, requiring compliance with construction noise, dust and noise of work limitations, to ensure that construction impacts are mitigated.
- 7.27 The proposal is acceptable in neighbouring amenity terms, in accordance with policies D.DH8 and D.ES9 of the Tower Hamlets Local Plan 2031.

8. RECOMMENDATION

8.1 That **planning permission is REFUSED** For the following reason:

- 1 The proposed rear roof extension (including alterations to the scale and form of the back of the house and to the main roof) would be unduly bulky, overly obtrusive and visually incongruent addition to the host property and to the terrace in which the site sits. The proposal would neither preserve nor enhance the character and visual appearance of the Albert Gardens Conservation Area including public views of the rear of the site from Head Street. The public benefits identified fail to outweigh the identified harm to the Albert Gardens conservation area. As such the proposal is contrary to Section 72 of the Planning (Listed Building and Conservation Area) Act 1990, policies S.DH1 and S.DH3 of the Tower Hamlets Local Plan (2020) and the objectives of National Planning Policy Framework. (July 2021).

APPENDIX 1

Drawings and Documents List

Title	Drawing Number / Version / Date
Design and Heritage Statement	07/2022
Location Plan	STH-WJK-AR-05-00-3_2
General Street Views	STH-WJK-AR-99-11-3_1
General Rear Views	STH-WJK-AR-99-12-3_1
Perspective Views – Proposed	STH-WJK-AR-99-13-3_1
Elevations – Existing	STH-WJK-AR-30-00-3_1
Sections – Existing	STH-WJK-AR-20-00-3_1
Sections – Proposed	STH-WJK-AR-20-02-3_1
Axonometric Views – Existing	STH-WJK-AR-99-00-3_1
Axonometric Views – Proposed	STH-WJK-AR-99-10-3_1
Plans – Proposed	STH-WJK-AR-15-02-3_1
Elevations – Proposed	STH-WJK-AR-30-02-3_1

APPENDIX 2

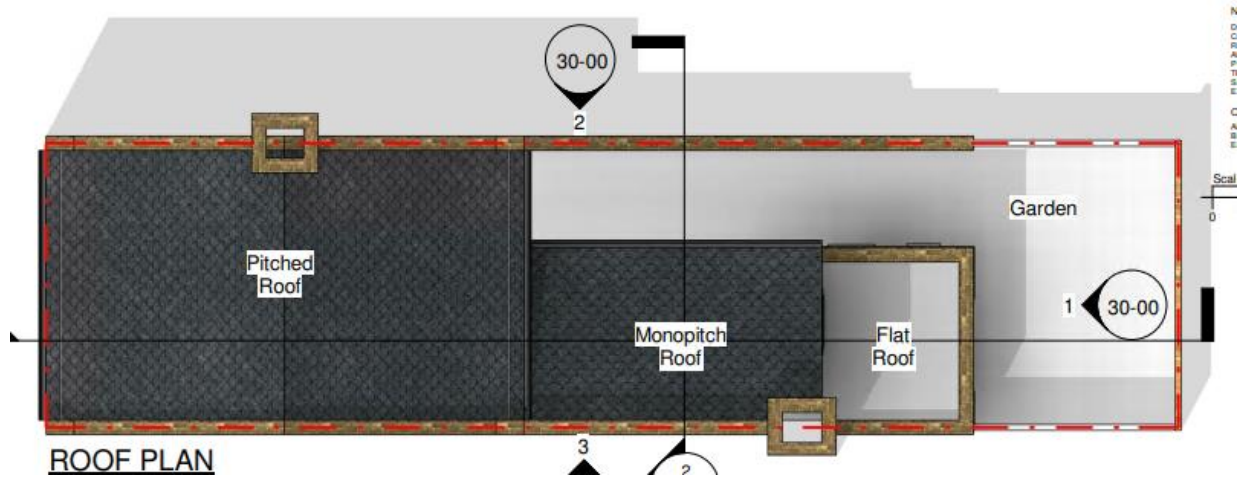
Existing and Proposed Drawings



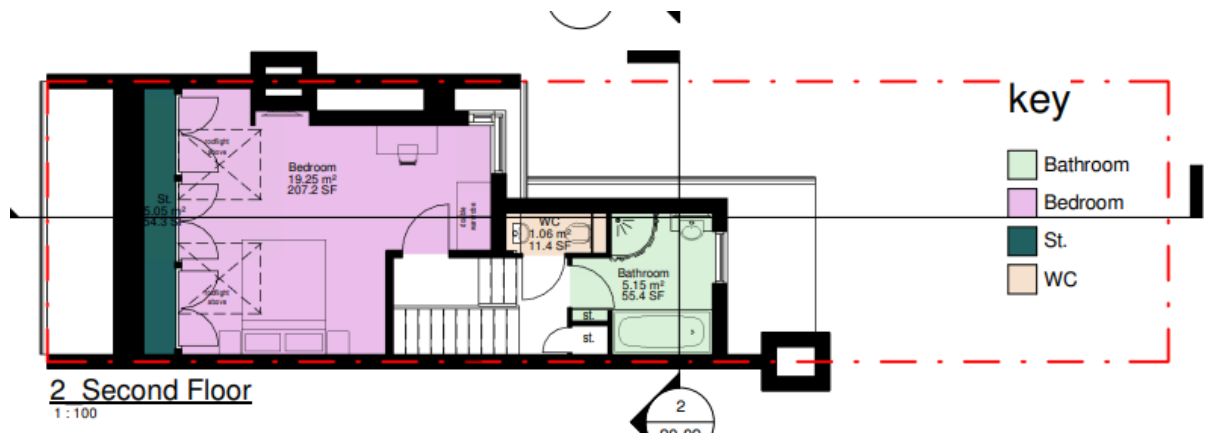
Appendix 2.1: Existing (left) and proposed (right) rear elevations



Appendix 2.2: Existing (left) and proposed (right) front elevations



Appendix 2.3: Existing (top) and proposed (bottom) roof plan



Appendix 2.4: Proposed second floor plan



Appendix 2.5: CGI's of the scheme dismissed at appeal (left) and the proposed scheme (right)